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General Assembly

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Official Records

69th plenary meeting
Thursday, 7 December 2006, 3 p.m.
New York

President: Ms. Al-Khalifa ..... (Bahrain)

In the absence of the President, Mrs. Mladineo (Croatia), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 71 (*continued*)

Oceans and the law of the sea

(a) Oceans and the law of the sea

Report of the Secretary-General (A/61/63 and Add.1)

Report of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (A/61/65)

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its seventh meeting (A/61/156)

Draft resolution A/61/L.30

(b) Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Report of the Secretary-General (A/61/154)

Draft resolution (A/61/L.38)

Mr. Skinner-Klee (Guatemala) (*spoke in Spanish*): The differences in the geographical location of each State with regard to the sea and the different characteristics of maritime areas that are close to the coasts of countries in every region lead to divergent positions. However, within the United Nations, these positions always manage to be reconciled by frank discussions and negotiations and compromises which lead to satisfactory results.

During the negotiating process, Guatemala made several comments and voiced concerns, among which were those relating to vulnerable ecosystems, the lack of regional cooperation and inter-institutional coordination, as well as the lack of an intergovernmental policy for the management and sustainable use of living marine resources.

For this reason, Guatemala believes that the consensus reached is a step forward and will support the draft resolution on oceans and the law of the sea, in document A/61/L.30, and the draft resolution on fisheries management, contained in document A/61/L.38. In this context, we would like to recognize the effort and dedication of the two coordinators of these draft resolutions.

My delegation would like to reaffirm the integrity of the United Nations Convention on the Law of the Sea as well as to point to the importance of the principles, freedoms and obligations that this instrument regulates as a whole, especially the

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principle of freedom of navigation, including the right of innocent passage and transit passage through straits and other international sea lanes used for navigation.

We should point out that any analysis of the implementation of the Convention on the Law of the Sea is incumbent only on States parties and therefore no State can take unilateral measures. If some of these States decide to carry out a review of this implementation or were to insist on the appropriateness of ensuring ad hoc regulation on any particular issue, it would be the meeting of the States parties that would be the only natural competent body to adopt and implement those provisions.

It is for this reason that my delegation attributes special importance to the annual meeting of States parties to the Convention on the Law of the Sea and the need to have sufficient time — no less than five working days — to discuss pertinent issues in depth, without prejudice, of course, to additional days that might be necessary for issues related to elections scheduled for 2007.

During this year's Informal Consultative Process, consensus was reached on an ecosystem approach, which is of great use for our work, providing value added to our draft resolutions. We welcome the fact that the draft resolution on oceans and the law of the sea notes that in 2007 the Informal Consultative Process will have as its theme marine genetic resources, followed by maritime security and safety in 2008.

With regard to the issue to be discussed next year, Guatemala will continue to promote conservation and management of biodiversity on the international seabed. In particular, Guatemala supports the idea of including seabed genetic resources as the common heritage of mankind for the purposes of its use and conservation. We hope to make headway on this theme and my delegation will contribute energetically to that end. We also support reconvening in 2008 the Ad Hoc Open-ended Informal Working Group to study issues related to conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. It would deal with a variety of subjects such as the environmental impacts of anthropogenic activities, governance gaps and, in particular, genetic resources beyond areas of national jurisdiction.

My delegation considers it essential to strengthen cooperation among States. This cooperation can take many forms, such as the exchange of information, transfer of technology, development of local capacity-building, financial and technical assistance and the adoption of joint implementation measures. We welcomed the holding of the first regional seminar of the International Tribunal of the Law of the Sea in Dakar from 31 October to 2 November 2006 on the role of the Tribunal in dispute settlement on law of the sea matters in West Africa. We would also like to take this opportunity to congratulate the Tribunal on its tenth anniversary.

We also highly welcome the recognition within the draft resolution on oceans and the law of the sea of the link between these themes and sustainable development, as was recognized at the 2002 World Summit on Sustainable Development and the 2005 World Summit Outcome Document. Any progress made in this context is essential in order to achieve the Millennium Development Goals.

On the issue of fisheries management, we find that, although the United Nations has been urging States to join the 1995 Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, a great majority of Latin American and Caribbean countries, after careful review, have decided that it does not include essential concepts expressed in the Convention on the Law of the Sea. There remain obstacles which prevent a larger participation of our countries in this Agreement, such as a lack of resources for its implementation and issues involving articles 7, 21, 22 and 23 of the Agreement.

We welcome the adoption of the recommendations of the Review Conference on the Agreement, held in May, among which is the promotion of a dialogue between States parties and non-parties to overcome the obstacles that have been identified; we hope that that dialogue between those States will soon take place. We welcome the recognition in terms of compliance and contribution by States not party to the Agreement. The Agreement is complementary to the Convention, which is the principal framework in matters involving oceans and the sea. Through the General Assembly and the draft resolution before us, we seek an intergovernmental and participatory forum to achieve the long-term conservation and sustainable use of marine species via the adoption of measures and the operations of regional

and subregional fisheries management organizations for the high seas.

Illicit and destructive fishing requires greater attention and should be effectively banned so as to ensure an ecosystem approach, whereby fisheries should be managed, planned and developed in such a way that benefits are not only short-term but can increase for future generations. We regret the fact that experts calculate that fish stocks will be depleted by 2050, requiring us take to urgent measures to counteract such destructive processes and protect the most vulnerable ecosystems. Such activities as high-seas bottom-trawling persist despite their very negative impact on marine biodiversity.

We are disappointed by the weak language in the draft resolution concerning measures to eliminate destructive fishing practices. Certainly, two years on, expectations have been raised with regard to adopting more efficient and achievable measures. We nonetheless hope that the measures agreed upon to protect vulnerable ecosystems will be implemented in the short term and be taken seriously both by States individually as well as through their participation in regional fisheries management organizations. We feel that the inclusion of a future review of such actions to consider progress and the effectiveness of agreed measures is important.

Finally, we recognize the work of the Division for Ocean Affairs and the Law of the Sea. That office is charged with many tasks of great importance, and it carries them out excellently, in spite of its limited resources. The draft resolutions on oceans and the law of the sea and fisheries entrust the Secretariat with the task of studying and preparing various reports on important aspects of ocean activities. We note that requests for such work are becoming more frequent, more significant and more numerous. In 2006 alone, six extensive and technical reports have been produced, providing valuable help to States. The results of the Division's work, however, are always of the highest quality, bearing witness to the efforts and great abilities of all its personnel.

Ms. Lisson (Australia): Australia has the honour to co-sponsor both of the draft resolutions before us today. We are pleased with the attention given in those drafts to issues of key importance for Australia, including the governance regime for areas beyond national jurisdiction, maritime security, the work of the Commission on the Limits of the Continental Shelf (CLCS) and the sustainable management and conservation of marine living resources, including responsible fisheries and measures to address destructive fishing practices.

Since last year's debate under this item, we have moved closer to realizing the objective of universal adherence to the United Nations Convention on the Law of the Sea (UNCLOS). Australia congratulates those States that have acceded in the past year — Belarus, Montenegro and, from the Pacific, Niue.

It cannot be denied that significant portions of the Convention have now formed part of the corpus of customary international law, but, like other areas of the law, the law of the sea must be dynamic in order to meet new and emerging challenges.

First, we need to continue our work in identifying governance gaps, should they exist, and to take strides towards building mechanisms for conserving and managing the living resources of the oceans. In that regard, Australia welcomes the request to reconvene in 2008 a meeting of the Ad Hoc Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, and the decision to take up the Brazilian proposal that the Open-ended Informal Consultative Process on Oceans and the Law of the Sea should focus its work in 2007 on the topic of marine genetic resources.

Secondly, we need to address the significant threats to maritime security. The potential negative impacts of such threats on sea transportation, safety of navigation and the marine environment, as well as the threat posed to human life and property, call for the design and implementation of effective countermeasures at all levels. In that regard, we welcome the decision of the General Assembly to adopt Australia's proposal that the Informal Consultative Process on Oceans and the Law of the Sea focus its discussions on the topic of maritime security and safety in 2008.

In March this year, Australia signed two protocols amending the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, and its 1988 Protocol relating to fixed platforms. Australia urges Member States to take the necessary steps to adopt those instruments as soon as possible.

In addition, we welcome the recent entry into force of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia. The Agreement provides a transparent means of engaging Asia-Pacific countries on maritime security through information-sharing. Australia is working towards acceding to that important Agreement, and urges other States in the region to consider doing the same.

Australia has also adopted other measures within its own waters to ensure the safety of navigation and to provide protection for sensitive marine environments, including the fragile Great Barrier Reef and Torres Strait. Those measures are necessary to facilitate safe passage through what are treacherous and narrow waters. They have been adopted in a manner consistent with the Convention, including with approval by the competent authority.

Singapore has noted our different views on the application of such laws and regulations as they apply in respect of transit passage in international straits. We note that the omnibus draft resolution before us contains agreed language on that point in paragraph 65. A number of States expressed strong concerns regarding Singapore's proposed additional language and, despite our best endeavours to reach a compromise, we were beaten by the clock. We look forward to working with Singapore to resolve our differences.

Thirdly, Australia welcomes paragraphs in the omnibus resolution addressing the important work of the CLCS. Following Australia's submission on the outer limits of its continental shelf beyond 200 nautical miles in late 2004, we look forward to our continuing engagement with the Commission, particularly as it formulates recommendations on which Australia's final outer limit will be based.

We encourage States whose experts are serving on the Commission to do their utmost to ensure the full participation of those experts in the work of the Commission, including in the meetings of subcommissions. Future members must be in a position to work together for extended periods in New York in order to expedite the consideration of submissions.

We appreciate the work of the Division for Ocean Affairs and the Law of the Sea in assisting to build the capacity of States in preparing submissions. From Australia's experience, preparing a submission is a demanding technical, scientific and legal task, and we are pleased to be able to share our experiences with other States planning or preparing their own submissions.

Turning to fisheries, Australia welcomes the accession, since last year's debate, of six States — Estonia, Japan, Niue, Poland, Slovenia and Trinidad and Tobago — to the vitally important Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

This year's Review Conference of the Fish Stocks Agreement was an important opportunity to critically assess the effectiveness of the Agreement in taking forward cooperative and sustainable fisheries management. States parties and non-State parties alike worked together to reach a consensus outcome document. Australia will continue to resist attempts by some to undermine the significant progress made, and will consider carefully in future the issue of participation in the consultations of States parties to the Agreement.

Regional mechanisms are central to cooperative management of responsible and ecologically sustainable fishing, and it is especially important to establish such arrangements in areas where no management regime currently exists. Regional Fisheries Management Organization (RFMO) coverage in all areas of the globe must be our ultimate objective. In our own region, we welcome significant developments towards that objective. The stocks of the Western and Central Pacific are a significant natural resource for Pacific coastal States, and Australia will continue to work hard with its neighbours to ensure that the Western and Central Pacific Fisheries Commission continues to reflect best practice in the conservation and sustainable management of highly migratory species.

Australia will soon sign the Southern Indian Ocean Fisheries Agreement, and we are pleased to be a co-sponsor and key player in the development of a new RFMO for the South Pacific. We invite all States and entities with a genuine interest in the fishery to consider participating constructively in the new RFMO. As called for in paragraph 85 of the fisheries draft resolution (A/61/L.38), we urge participating

States to accelerate negotiations, and pending the formalization of the two new arrangements, we encourage States to develop and implement meaningful interim measures for managing sustainably the relevant fisheries.

In 2004, the international community called on States, directly or through RFMOs, to take urgent action to address the impacts of destructive fishing practices on vulnerable marine ecosystems. Not enough has been done, and this year Australia urged all States to fulfil that commitment by taking new positive actions.

Australia welcomes this year's draft resolution, which we see as an important advance in international efforts to regulate high seas bottom-fishing. We have agreed by consensus on a mechanism by which States — through RFMOs, both existing and under development — are to assess and manage bottom fisheries to prevent significant adverse impacts on vulnerable marine ecosystems. In unmanaged areas of the high seas, individual flag States must do the same, or not authorize their vessels to conduct bottom fishing. Importantly, those measures are required to be made publicly available.

Good-faith implementation of the measures contained in the draft resolution will represent an important shift in the approach for regulating all high seas bottom fisheries, both current and new, by ensuring that only those activities that do not cause significant impact to vulnerable marine ecosystems are allowed to proceed. Australia is disappointed, however, that the draft resolution does not contain a prohibition on bottom trawling in unmanaged high seas areas. Such a ban would have been an effective incentive for the establishment of competent and modern RFMOs, while providing protection for vulnerable marine ecosystems in the absence of such regulation.

The challenge now is to ensure that the measures we adopt today are implemented fully, effectively and as a matter of priority. The draft resolution contains deadlines for the implementation of those measures. We would like to stress that a deadline is no reason to delay, especially given the call in 2004 for urgent action.

Within RFMOs, Australia will be working hard with others to develop and adopt appropriate conservation and management measures consistent with the commitments we have made this year. For unmanaged areas beyond national jurisdiction, we call on individual flag States to do the same.

Finally, Australia would like to point to its strong desire for enhanced measures to tackle illegal, unreported and unregulated (IUU) fishing. We continue to act firmly against foreign vessels fishing illegally in Australian waters, and have responded promptly to situations of apparent illegal or unregulated vessels in areas regulated by RFMOs, in turn, raising awareness among Member States. IUU fishing is not one problem but three, each of which requires a focused and determined international response. We must concentrate not only on flag State responsibilities, but also act in our capacity as port States to restrict market access to IUU catch. We must also take strong action against nationals involved in IUU fishing activities.

Consistent with the Convention and the United Nations Fish Stocks Agreement, it is Australia's strong view that States have an obligation to either join relevant RFMOs if entitled to do so, or to otherwise refrain from fishing in the RFMO-regulated area, unless they agree to apply all relevant conservation measures. Those are concrete and substantive obligations, with direct applications.

Mr. Prothmann (Namibia): It is an honour and a pleasure to participate in this joint debate on oceans and the law of the sea and sustainable fisheries. At the outset, my delegation too would like to thank the representatives of Brazil and the United States for introducing the two draft resolutions under agenda item 71 (A/61/L.30 and A/61/L.38). My delegation's appreciation also goes to the two coordinators, Mr. Carlos Duarte of Brazil and Ms. Holly Koehler of the United States. Both did an excellent job on behalf of all of us and in the interest of our oceans. Without the comprehensive and most useful reports from the Secretary-General, prepared by the Division for Ocean Affairs and the Law of the Sea, and those equally useful ones from the co-chairpersons of the Ad Hoc Open-ended Working Group and the Informal Consultative Process, our draft resolutions would be superficial. Hence, my delegation's special thanks to DOALOS and its Director, Mr. Vladimir Golitsyn, and the four co-chairpersons, Ambassador Gómez Robledo of Mexico, Mr. Phil Burgess of Australia, Ms. Lori Ridgeway of Canada and Ambassador Cristián Maquieira of Chile. We also thank all staff of the Division for the efficient support to our informal consultations on the two draft resolutions.

Namibia considers the two draft resolutions we are about to adopt strategically important. It therefore goes without saying that Namibia is again a sponsor of the texts. It is also our distinct hope that both drafts will be adopted by consensus in their entirety. By doing so, the Assembly would pay appropriate and adequate homage to the United Nations Convention on the Law of the Sea (UNCLOS) and its two implementing agreements. Together, these instruments comprise a constitution for our oceans, which represent nearly three quarters of our planet and are in dire need of conservation, while allowing for their sustainable and equitable utilization.

It is in this spirit that Namibia welcomes this year's sustainable fisheries draft resolution. We are pleased with the outcome of the debate on bottom trawling. Its management, through the approach of Regional Fisheries Management Organizations (RFMOs), rather than an outright blanket ban, is what Namibia and others have advocated, and we believe that that is the most realistic and constructive way forward.

One such RFMO is the South East Atlantic Fisheries Organization (SEAFO). Namibia is proud to have played a key role in SEAFO's establishment, and we continue to strongly support that fledgling organization, despite our limited resources as a developing country. In line with the sustainable fisheries draft resolution that we are about to adopt, we urge the two remaining adjacent coastal States, and States whose vessels fish in the SEAFO Convention area, to join the organization as soon as possible, thereby participating in ensuring sustainability and the equitable sharing of both benefits and costs.

Namibia also calls on all States, developed and developing, to participate in all regional fisheries management organizations in whose areas their vessels fish, and to establish regional fisheries management organizations in areas where they do not exist, thereby ensuring sustainable global fisheries. In that pursuit, developing countries could benefit from assistance in capacity-building, as Namibia did from Norway, which we hereby acknowledge with a deep sense of appreciation.

While on capacity-building, I would be amiss not to express my delegation's appreciation to the Division for Ocean Affairs and the Law of the Sea for its sponsorship of two Namibian trainees who participated in the regional training course on the delineation of the outer limits of the continental shelf beyond 200 nautical miles and on the preparation of submissions to the Commission on the Limits of the Continental Shelf, which was held in Accra, Ghana, in December 2005.

The Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea was established by General Assembly resolutions 36/108 and 38/129 as part of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, as recommended by the Secretary-General in his report A/36/633. It is an intensive fellowship that invaluably contributes to the wider and deeper understanding of the law of the sea. Hence, the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea deserves the unqualified support of Member States, as well as that of the Office of Legal Affairs.

In that connection, Namibia also welcomes the recent award by the United Nations and the Nippon Foundation of Japan Fellowship Programme Selection Committee of 10 new fellowships to professionals from developing coastal States to undertake advanced research and studies in ocean affairs and the law of the sea.

Namibia also strongly supports the notion of technical cooperation between developing countries. Namibia, for example, has much to offer the Southern Africa Development Community region and other coastal African States in terms of fisheries know-how. Such requests for technical cooperation and assistance have been received by Namibia, but the lack of financial resources remains a major stumbling block.

Namibia strongly believes that multilateral institutions should fairly reflect and represent their entire membership if they are to be truly legitimate and enjoy the trust of all involved; hence, the generally accepted principle of equitable geographical representation and the importance of its application. The need for excellence and the fact that excellent people are not confined to one geographic region go without saying. Namibia strongly supports the International Seabed Authority in Kingston, Jamaica, and we actively participate in its activities and governing bodies. My delegation is also happy that a Namibian has again been elected to contribute to the work of the very important Legal and Technical Commission.

Namibia also recognizes the crucially important contribution of the Commission on the Limits of the Continental Shelf and the related services rendered by the Division for Ocean Affairs and the Law of the Sea. The expected exponential growth of the workload of the Commission, due to an increasing number of submissions towards the deadline in 2009, should be resolved in consultation between UNCLOS States parties and the Commission. I should like to point out, however, that the deadline of May 2009 is for submissions only, while obviously not wanting to create too much of a backlog. Namibia cannot, however, foresee an extension of the deadline, as that would require an amendment of our Convention, which is not desirable.

The regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects — or, for the lack of a better term, the Global Marine Assessment — remains important in ultimately ensuring widely available and comprehensive information on the state of the oceans. Without such regular assessments, the effective conservation as well as sustainable and integrated management of marine biodiversity will remain elusive. Thus, Namibia supports the process, while reiterating the invitation in our omnibus draft resolution to Member States, the Global Environment Facility and other interested parties to contribute financially to the preparatory stage.

What is needed is a proper scientific assessment of high-seas biodiversity and ecosystems and of their vulnerability to, amongst other things, deep-sea fishing and mining. It is our hope that, sooner rather than later, that effort will result in an appropriate, globally integrated management regime ensuring the continual conservation as well as equitable and sustainable utilization of high-seas biological and genetic resources.

Finally, I would like to take this opportunity to wish our Director, Vladimir Golitsyn, and our Commission Secretary, Oleksiy Zinchenko, all the best for their imminent retirement; may it be long and happy. Their frank and reliable advice will be sorely missed, and their vast and relevant experience will be difficult to replace.

Ms. Banks (New Zealand): New Zealand warmly associates itself with the statement presented by Palau on behalf of the Pacific Islands Forum States, of which New Zealand is one.

We are happy once again to co-sponsor both the draft omnibus oceans resolution and the draft sustainable fisheries resolution.

This was a busy year for oceans and law of the sea work, in which States tackled an important number of cross-cutting oceans and fisheries issues. New Zealand has throughout reiterated its readiness to engage seriously with others in order to protect oceans biodiversity, to promote sustainable fisheries, and to protect the world's marine ecosystems from destructive fishing practices.

New Zealand fully supports the Pacific Islands Forum statement on destructive fishing practices, including bottom trawling, that was delivered today. We endorse its key messages. While we advocated for and would have preferred a more ambitious outcome, the consensus that was negotiated delivers a significant, substantive advance on that issue. It reflects our concerns about the serious adverse effects that destructive fishing practices may have on vulnerable marine ecosystems, and the need for such practices to be responsibly regulated by regional fisheries organizations and flag States. We continue to believe that urgent action is necessary. New Zealand looks forward to the opportunity to review progress on interim measures and on improvements to regional management arrangements next year at the sixty-second session of the General Assembly.

New Zealand continues to strongly support the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and its implementation. We welcomed the consensus text agreed in the Fish Stocks Agreement Review Conference in May 2006. It provided an important opportunity to critically assess the Agreement's effectiveness in taking forward cooperative and sustainable fisheries management, and the international law of the sea more generally.

New Zealand is a party to the Agreement and we regarded fair and balanced references to the Review Conference outcome in the draft sustainable fisheries resolution as essential. We and the other parties took significant steps at the Review Conference to accommodate the non-parties to the Agreement. As a

result, the recommendations of the Review Conference reflect the views of the parties and non-parties alike. We did so in the expectation that the consensus outcomes at the Review Conference would be reflected in consensus pronouncements of the General Assembly. We were disappointed that some States opposed that course in the negotiations on the draft sustainable fisheries resolution. We will need to reflect on what happened this year when considering the participation arrangements for future review conferences of the United Nations Fish Stocks Agreement.

New Zealand continues to work with other interested participants in negotiations to conclude a South Pacific regional fisheries management organization. The agreement aims to fill a crucial gap in the management of high-seas fisheries in the South Pacific Ocean. There have been two meetings this year, and negotiations are well under way towards concluding a draft agreement. We were disappointed that it did not prove possible to reach agreement at last month's meeting on interim measures that should apply pending the adoption of the new agreement. Some of the obstacles to agreement should have been removed by the consensus that has been reached on bottom fishing in this year's draft sustainable fisheries resolution. We therefore look forward to working with others at the next meeting on regional fisheries management organizations in Chile towards the adoption of strong interim conservation and management measures, including to protect vulnerable areas in the South Pacific, and to ensure a cautious and responsible approach to the exploitation of fish stocks pending the adoption of conservation measures under the new agreement.

As New Zealand has expressed many times, we are concerned about the negative impacts of illegal, unregulated and unreported fishing, particularly the extent to which it undermines conservation and management measures adopted by regional fisheries management organizations and, ultimately, the sustainability of fish stocks. We are pleased that the draft sustainable fisheries resolution contains useful new elements in the sections on illegal, unregulated and unreported fishing and subregional and regional cooperation. States are urged in paragraph 35 to take effective measures to deter the activities, including illegal, unregulated and unreported fishing, of any vessel that undermines conservation and management measures adopted by regional fisheries management organizations. We hope that those efforts will contribute to greater compliance by fishing vessels with conservation and management measures.

New Zealand strongly supports the role of the United Nations in discussions on the subject of marine biodiversity beyond areas of national jurisdiction, within the framework provided by the United Nations Convention on the Law of the Sea. We welcome the reconvening of the Ad Hoc Open-ended Informal Working Group in 2008 as a way for States to pursue further work on that subject.

Genetic resources beyond areas of national jurisdiction are one aspect of marine biodiversity that has been identified for consideration by the Ad Hoc Open-ended Informal Working Group established by paragraph 73 of resolution 59/24. We note that the topic of marine genetic resources will also be the focus of discussions at the Informal Consultative Process in 2007, and we anticipate that the work undertaken in that context will usefully feed into the broader work of the Ad Hoc Open-ended Informal Working Group the following year.

New Zealand has endorsed the adoption of the International Maritime Organization's voluntary member State audit scheme, and we have put ourselves forward for audit next year.

Looking even further ahead, we are pleased that the topic of maritime security has been identified for discussions at the Informal Consultative Process in 2008. We welcome the opportunity that the Informal Consultative Process provides for consideration of cross-cutting oceans issues such as this.

New Zealand remains concerned about the risk of economic loss that may arise from an incident involving a shipment of radioactive materials travelling through the Pacific — even an incident that does not result in any actual release of radiation. In the event of losses directly attributable to such an incident, there is an imperative on the shipping States not to leave the countries suffering those losses unsupported. In the event of such an incident, we would urge shipping States to provide as much information as possible, as soon as possible, and to take all practical measures to manage the situation effectively.

New Zealand is an island State blessed with a large continental shelf. We were pleased to submit, earlier this year, the coordinates for the outer limits of

the continental shelf beyond the 200-nautical mile exclusive economic zone to the United Nations Commission on the Limits of the Continental Shelf. We are alert to the need for the Commission's processes to operate efficiently and effectively, and in that regard we welcome the call to strengthen the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs for the purpose of enhancing its technical support to the Commission. We encourage both the Commission and the Division to ensure that their work programmes are organized in a way that enables delegations attending Commission meetings to make the fullest use of their time.

Finally, we thank the Secretary-General for his report, which is, as always, comprehensive and of great assistance to delegations and the wider oceans constituency.

Mr. Kodera (Japan): At the outset, my delegation wishes to thank the coordinators of the two draft resolutions before us today, Mr. Duarte, representative of Brazil, and Ms. Koehler, representative of the United States.

Our thanks also go to all the States that contributed to the consultations in a spirit of cooperation, and to the staff of the Division for Ocean Affairs and the Law of the Sea, who provided invaluable support.

Japan, as a seafaring nation with a vast exclusive economic zone and continental shelf, is committed to the United Nations Convention on the Law of the Sea (UNCLOS) and the organs established under it, including the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf.

As concerns the Tribunal, Japan attaches great importance to its role of the Tribunal in the maintenance of order and stability with respect to the oceans. We would like to extend our congratulations to the Tribunal on its tenth anniversary, this year. We are committed to contributing further to the Tribunal's activities.

With regard to the Commission, we welcome the active discussions held at the sixteenth meeting of States parties, in June this year. We attach great importance to efficient examinations by the Commission, since an increasing number of submissions are anticipated. Japan looks forward to a fruitful discussion in the next States parties meeting, based on the concrete measures to be proposed by the Commission and the Division for Ocean Affairs.

Japan is considering contributing to the voluntary fund in order to facilitate the participation of members of the Commission from developing countries in the work of the Commission. In this connection, Japan, in cooperation with the United Nations University, hosted a symposium in Tokyo from 6 to 7 March 2006 on the scientific and technical aspects of the establishment of the outer limits of the continental shelf beyond 200 nautical miles. We would like to express our gratitude for the success of the symposium to the participants, who included members of the Commission and the Division and experts from all over the world. The minutes of the symposium are to be issued shortly, and we hope that such activities will contribute to member States' preparation of submissions to the Commission.

During this year's Informal Consultative Process, Singapore proposed a paragraph that reaffirms the right of transit passage through straits used for international navigation. We regret that we did not reach a consensus on that paragraph. Japan is very concerned that some States bordering straits have recently adopted laws and regulations that in practice restrict the right of transit passage of other States as set out in the Law of the Sea Convention. This has the potential to cause damage to international physical distribution, trade and the international economy. We fully understand that due consideration must be paid to the interests of bordering States with regard to matters such as preservation of the marine environment. At the same time, however, we hope that all States will take action in an appropriate manner, so as to avoid imposing constraints upon the right of transit passage.

Incidents of piracy, which occur primarily in Asia, have been decreasing since 2003 due to cooperation between coastal States and user States. However, the incidents that do occur are becoming increasingly violent and include such acts as the hijacking of ships and kidnapping of crews. In this regard, Japan is pleased to note that a Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia was launched on 4 September 2006 as a result of cooperative work among the relevant States. On 29 November, an Information Sharing Centre was established in Singapore to strengthen cooperation on maritime security by establishing a cooperative network

dedicated to combating piracy. Japan has dispatched the first director to this Centre. We are committed to the realization of safe and secure waters in Asia, not only through human and financial contributions to the Centre, but also through the implementation of the Regional Cooperation Agreement and the strengthening of cooperation and capacity-building of maritime security in the region.

Allow me next to touch upon the marine environment. Surrounded by the sea on all sides, Japan considers the preservation of the marine environment to be extremely important. We are highly interested in the preservation and sustainable use of marine biodiversity beyond national jurisdiction, and look forward to a focused and in-depth discussion in the second meeting of the Ad Hoc Open-ended Working Group on marine biological diversity beyond areas of national jurisdiction in 2008. Japan anticipates the active participation of relevant international organizations in the meeting. At the same time, we believe that the preservation of the marine environment should be conducted in compliance with international law and with international cooperation. We should therefore avoid a situation in which measures to preserve the marine environment restrict the right of innocent passage through territorial waters and the freedom of navigation in exclusive economic zones.

As a responsible fishing State and a State party to UNCLOS, Japan is dedicated to addressing conservation and management issues, as well as sustainable use issues relating to living marine resources, in cooperation with the Food and Agriculture Organization of the United Nations (FAO) and regional fisheries management organizations. In this regard, we are determined to enhance our efforts in the management of fish stocks, and for that purpose we joined the United Nations Fish Stocks Agreement in September this year.

International efforts to address illegal, unreported and unregulated (IUU) fishing activities and overcapacity issues in global fisheries are becoming more important. My Government has taken a leadership role in such efforts and will cooperate further towards the elimination of IUU fishing. At the same time, fisheries management must be conducted in conformity with the provisions of international law, including UNCLOS. Specifically, vessels and crews seized in an exclusive economic zone must be released promptly upon the posting of reasonable bond or other security. Effective measures against IUU fishing can only be achieved through the implementation of sound enforcement procedures based on established rules.

With regard to deep sea fisheries, Japan has repeatedly insisted that proper management, based on scientific evidence, needs to be undertaken by flag States or regional fisheries management organizations. Japan believes that we have reached an appreciable level of consensus after difficult negotiations this year. My Government has already started consultations with the relevant States on the establishment of an international framework on high sea bottom trawling in the north-west Pacific Ocean. We are committed to taking responsible actions in accordance with the draft resolution on this matter before us.

In this regard, we would like to stress, once again, the importance of basing our discussions on the issues of conservation and management, as well as the sustainable use of living marine resources, on scientific evidence amassed by competent organizations, such as FAO and the regional fisheries management organizations.

Operative paragraph 56 of the draft omnibus resolution on oceans and the law of the sea, which deals with the transport of radioactive materials, contains the same language as the corresponding paragraph in last year's resolution. That paragraph, in the view of Japan, as well as of France and the United Kingdom, unfortunately does not reflect the spirit or substance of the series of thorough discussions on that issue conducted by the International Atomic Energy Agency (IAEA) and other relevant organizations. Although we are dissatisfied with the outcome, we will not make a formal objection on this point, taking into account the spirit of the draft resolution. As we stated in the informal consultations, cooperation between coastal States and shipping States has made significant progress since last year. In the plenary meeting of the IAEA held on 30 September 2006, the adopted resolution calls for a cooperative spirit on the part of both the coastal and the shipping sides. We believe that those developments should be reflected in the General Assembly's draft resolution in an appropriate manner, and urge member States to cooperate in that regard.

In concluding, I wish to reiterate that Japan will continue to contribute to the stability of the legal framework on ocean affairs, and in so doing, will help to promote prudent and equitable use of the sea by the

international community, in accordance with the provisions of UNCLOS.

Mr. Hamidon (Malaysia): Malaysia wishes to express its gratitude to the Secretary-General for his comprehensive reports on oceans and the law of the sea, as contained in documents A/61/63, A/61/63/Add.1 and A/61/154. We also welcome the reports of the chairpersons of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction and the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. Those documents are important references in the ongoing discussion on oceans and the law of the sea.

Malaysia has been actively involved in most discussions on issues relating to oceans and the law of the sea in the United Nations, as well as in the other related bodies. As a maritime nation and a coastal State of one of the busiest straits in the world, the Straits of Malacca, Malaysia takes particular interest in the legal regime governing oceans and the seas. Born of a marriage, or compromise, between prophecy and retrospection, the United Nations Convention on the Law of the Sea (UNCLOS) has been rightly called a constitution for the ocean. Looking at it as a compromise will reveal its weakness, but looking at it as a marriage will give rise to encouragement and hope for the future. The Convention has produced many innovative concepts and principles that are dear to States parties.

The Convention must be considered as a process rather than as a product. It is a process which requires regular consideration and evaluation to address the changing needs and developments relating to oceans affairs and the law of the sea. The meetings of the States parties to UNCLOS, which to date have primarily dealt with budgetary and administrative matters, have a significant role to play in that regard. Malaysia also welcomes the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, established by resolution 54/33 to facilitate the annual review of developments in ocean affairs by the General Assembly in an effective and constructive manner. It has already had three sessions.

We believe that the Informal Consultative Process complements the role of the meeting of States parties in dealing with questions arising out of the implementation of the Convention. The meeting of the States parties would not be competent to deal with questions that overlap or conflict between the Convention and other regimes established elsewhere. Only the General Assembly, with its universal membership, can do so. That is where the Informal Consultative Process fits in. It is the task of the Informal Consultative Process to facilitate the discussion and decision-making on such matters, based on the Secretary-General's annual report. The Informal Consultative Process has, over the years, proved to be a very valuable forum for the discussion of those issues. Nevertheless, Malaysia is also of the view that the roles of the meeting of States parties and the Informal Consultative Process can be merged once the membership of the Convention becomes as universal as the membership of the General Assembly.

Malaysia welcomes the progress made in the work of the three institutions established by the Convention — the International Seabed Authority, the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea. The International Seabed Authority is currently involved in the development of a legal regime for the prospecting and exploration of polymetallic sulphides and cobalt-rich crusts. We appreciate the role of the Authority in the conservation of biodiversity in the area, especially the elaboration of the rules, regulations and procedures to ensure the effective protection of the marine environment, the protection and conservation of the natural resources of the area, and the prevention of damage to its flora and fauna from harmful effects that may arise from activities in the area.

Malaysia commends the valuable work undertaken by the Commission on the Limits of the Continental Shelf. We wish, however, to express our concern at the logistics implications that the Commission's significantly increased workload will have in the foreseeable future. We note the discussion that took place during the sixteenth meeting of States parties in June this year and urge States parties to reflect on the options for addressing the problems created by the additional workload.

The International Tribunal for the Law of the Sea has been active as an independent judicial body established by the Convention to adjudicate disputes arising out of its interpretation or application. It has decided on a number of cases involving a wide variety of issues, such as freedom of navigation and other

internationally lawful uses of the seas, the enforcement of customs laws, refuelling vessels at sea, the right of hot pursuit, conservation and the sustainable use of fish stocks, provisional measures and matters involving land reclamation. The Tribunal enjoys a high reputation for fairness and integrity.

The United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks is an important vehicle to ensure the long-term sustainability of fish stocks, as well as their optimum utilization. We are pleased to inform the Assembly that Malaysia is currently taking the necessary steps to harmonize its domestic legislation to bring it in line with the provisions of the Convention and with a view to becoming a party in the near future.

Malaysia realizes the importance of the long-term conservation and sustainable use of straddling and highly migratory fish stocks through the effective implementation of the relevant provisions of the Convention. We hope that the necessary assistance will be made available to States requiring it for the effective conservation and management of such fish stocks. In addition, there should be no duplication of programmes and activities by the relevant United Nations agencies for the conservation and management of straddling and highly migratory fish stocks.

In conclusion, my delegation wishes to express its appreciation to coordinators Mr. Carlos Duarte of Brazil and Ms. Holly Koehler of the United States, as well as to the delegations that made valuable contributions to the consultation process. The draft resolutions are the fruit of our labour over two months and it is our sincere hope that all Member States will support the delicately balanced draft resolutions in the spirit of cooperation.

Mr. Hannesson (Iceland): I would like at the outset to thank the Secretariat — in particular, the able staff of the Division for Ocean Affairs and the Law of the Sea — for its comprehensive reports on oceans and the law of the sea and on sustainable fisheries, and to acknowledge the professional manner in which the two coordinators, Mr. Carlos Duarte of Brazil and Ms. Holly R. Koehler of the United States, conducted the informal consultations on the draft resolutions before us.

The Convention on the Law of the Sea provides the legal framework for all our deliberations on the oceans and the law of the sea. Iceland welcomes recent ratifications of the Convention by Belarus, Niue and Montenegro, and urges States that have not ratified the Convention to do so. By ratifying and implementing the Convention — one of the greatest achievements in the history of the United Nations — the international community sustains and promotes a number of its most cherished goals. Every effort must be made to utilize existing instruments to the full before other options, including possible new implementation agreements under the Convention, are seriously considered.

The three institutions established under the law of the sea Convention are functioning well, and progress is being made in the work of the Commission on the Limits of the Continental Shelf. The Commission is currently considering five submissions regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, and a number of coastal States, including Iceland, have advised of their intention to make submissions in the near future.

As the final date for making submissions to the Commission, 13 May 2009, approaches, the workload of the Commission is anticipated to increase, placing additional demands on its members and on the Division for Ocean Affairs and the Law of the Sea. Iceland supports the decision of the sixteenth meeting of States parties to the Convention to address, as a matter of priority, issues related to the workload of the Commission and funding for its members attending the sessions of the Commission and the meetings of the subcommissions. We also support the call by the meeting to strengthen the Division, serving as the secretariat of the Commission, for the purpose of enhancing its technical support for the Commission. Furthermore, we support the actions recommended in chapter VII of the draft omnibus resolution, in which States are, inter alia, encouraged to make contributions to the two voluntary trust funds in that field.

In that context, it gives me pleasure to inform the General Assembly of the decision of the Government of Iceland to make an additional contribution of $100,000 to the voluntary trust fund to facilitate the preparation of submissions to the Commission by developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the Convention. Furthermore, Iceland has decided to make an additional

contribution of $100,000 to the voluntary trust fund to defray the cost of participation to the members of the Commission from developing States in the meetings of the Commission.

A successful Review Conference on the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks was concluded in New York last May. The recommendations of the Conference, aimed at strengthening the substance and methods of implementation of the provisions of the Agreement, were adopted by consensus by all participating States, parties and non-parties alike. Iceland welcomes in particular the general reaffirmation by the Review Conference of the regional approach to high-seas fisheries management.

The effectiveness of the United Nations Fish Stocks Agreement depends in large part on its widespread ratification and implementation. We welcome ratifications of the Agreement this year by Poland, Slovenia, Estonia, Japan, Trinidad and Tobago and Niue, and note that many other States have served notice of their intention to ratify the Agreement in the near future.

The world's marine ecosystems are coming under increasing strain from different sources, including marine pollution, overfishing, destructive fishing practices and climate change. While recognizing those and other challenges to the health of our oceans, we need to refrain from making indiscriminate generalizations that fail to take account of regional and local circumstances. At the same time, greater effort should be devoted to scientific assessments and the need to ensure that management policies are always informed by the best available scientific information. In that connection, Iceland values in particular the recently initiated "assessment of assessments", designed as a preparatory stage towards the setting up of a regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects.

Marine pollution from land-based activities continues to be of considerable concern in most coastal zones in the world. The Intergovernmental Review Meeting on the Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, held in Beijing last October, confirmed that, despite positive developments in some areas of the combat against marine pollution, general trends, especially with regard to eutrophication and physical degradation, are continuing in the wrong direction.

The Beijing Declaration, adopted by ministers and heads of delegations at the Intergovernmental Review, stressed the need for Governments to strengthen efforts to develop and implement national and regional programmes of action for the protection of the marine environment from land-based activities. It was furthermore recognized that implementing the Global Programme of Action would contribute substantially to internationally agreed development goals, including those contained in the Millennium Declaration and those highlighted in Agenda 21, the Barbados Programme of Action, the Johannesburg Plan of Implementation and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States.

Iceland fully endorses the Global Programme of Action as a means to ensure the sustainability of the world's oceans, and would like to urge all Governments and international financial institutions to put greater emphasis on the implementation of the Programme.

Over the past few years, Member States have been able to draw on the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea to focus attention on some of the main challenges to the marine environment. At the seventh meeting of the Consultative Process last June, United Nations Member States decided for the first time to consider a set of agreed consensual elements relating to ecosystem approaches and oceans. That outcome constitutes a good basis to build on as we tackle the manifold risks and dangers confronting our marine ecosystems.

In Iceland's view, illegal, unreported and unregulated fishing should be included on a short list of priority issues in that regard. The General Assembly has repeatedly urged States to combat illegal, unregulated and unreported fishing, and the current draft fisheries resolution contains many important recommendations to that end. For example, the need

for enhanced port State controls to combat illegal, unregulated and unreported fishing is recognized and States are urged to cooperate at the regional level to adopt all necessary port measures. In that context, States are encouraged to initiate, as soon as possible, a process within the Food and Agriculture Organization of the United Nations (FAO) to develop, as appropriate, a legally binding instrument on minimum standards for port State measures, building on the FAO Model Scheme on Port State Measures to Combat Illegal, Unregulated and Unreported Fishing and the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unregulated and Unreported Fishing.

Based on a proposal initially made by Iceland, the draft fisheries resolution in document A/61/L.38 furthermore urges States to take effective measures, at the national, regional and global levels, to deter the activities, including illegal, unreported and unregulated (IUU) fishing, of any vessel that undermines conservation and management measures that have been adopted by regional fisheries management organizations in accordance with international law. Importantly, the measures to be taken in order to deter IUU fishing are not limited to those of flag States.

In Iceland's view, the development of exemptions from, and limitations to, the general principle of exclusive flag State jurisdiction with respect to fishing vessels on the high seas is paramount if our struggle against these illegal and unregulated practices is to succeed. To put an end to such practices, their financial and economic incentives must effectively be removed, and adequate enforcement and monitoring measures must be put in place.

There is growing pressure among the international community to develop the necessary legal basis for meaningful and effective measures in order to eliminate IUU fishing practices. Efforts also need to be made to coordinate the activities of a number of organizations and agencies, including the FAO and the International Maritime Organization, in meeting this urgent challenge.

Should the combined efforts of the international community not bear the desired fruit, coastal States with substantial interests at stake could be induced to contemplate taking unilateral action.

The General Assembly this autumn conducted a review of actions taken by States and regional fisheries management organizations in response to the recommendations contained in resolution 59/25, concerning the impact of fishing on vulnerable marine ecosystems. We fully endorse the draft fisheries resolution now before the Assembly. It welcomes the important progress made during the last two years by States and regional fisheries management organizations to give effect to these recommendations, including negotiations to establish new regional organizations as needed. In the view of Iceland, the recommendations contained in operative paragraphs 80 to 91 of the draft fisheries resolution, which reflect the compromise reached on this issue in the informal consultations, are both targeted and meaningful.

Iceland fully shares concerns that have been expressed about the effects of destructive fishing methods on vulnerable marine ecosystems. In this instance also, there is need for more extensive research and scientific advice as to the types of fishing gear used, on a case-by-case basis.

We also agree that where it can be demonstrated that fishing practices cause damage to biological diversity and vulnerable marine ecosystems, in particular seamounts, hydrothermal vents and coldwater corals, further options in the form of restrictions on such practices could be considered, in case other means have been exhausted or proven inadequate. Consistent with the spirit of the action urged in the present draft fisheries resolution, the North-East Atlantic Fisheries Commission has adopted fishing gear restrictions in designated areas, offering a good example of the contribution of regional fisheries management organizations in tackling the problem of destructive fishing practices. Such measures, though, can and should only be taken by flag States, coastal States or regional fisheries management organizations and within the framework of the Convention on the Law of the Sea.

We welcome the decision in the draft fisheries resolution to conduct a review of actions taken by States and regional fisheries management organizations in response to these recommendations during the sixty-fourth session of the General Assembly in 2009, with a view to further recommendations, where necessary.

Iceland has long been active in the work of the United Nations on ocean and fisheries issues and has always supported effective means to safeguard vulnerable marine ecosystems in order to halt the loss of biological diversity, as indicated in the

Johannesburg Plan of Action, and to promote the sustainable use of living marine resources. We will continue to work with other nations towards this common goal and spare no effort in our joint endeavours to find an effective and manageable solution to a real and growing danger to the ecosystems of the sea.

Mr. Alday (Mexico) (*spoke in Spanish*): Mexico would like to express its recognition of the work and dedication of the coordinators of both draft resolutions, Mr. Carlos Sergio Duarte of Brazil and Ms. Holly Koehler of the United States of America. We would also like to thank the Division for Ocean Affairs and the Law of the Sea for the preparation of its many reports and the implementation of various training programmes for developing countries.

Certainly, there has been some headway made in protecting the marine environment, as we can see from the various reports presented to us by the Secretary-General. Unfortunately, however, we still see signs of the degradation of the marine environment and non-compliance with the obligations of States in implementing the international legal regime of the law of the sea. In this context, we believe that cooperation and coordination at all levels, the establishment of interdisciplinary and comprehensive approaches in ocean policies and the recognition of the jurisdiction of competent legal bodies to provide for the peaceful settlement of disputes will guarantee the efficiency of the legal, political and technical instruments that we have, in particular the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

Mexico welcomes the convening of the five-day seventeenth meeting of States parties to the Convention in June 2007, which will be held independently from those days that have been set aside to elect members for the Commission on the Limits of the Continental Shelf (CLCS). We believe that because of the importance of the issues to be discussed among States parties, their deliberations should not be limited for reasons far removed from its traditional areas of concern.

Mexico would like to point to the valuable work of the CLCS. We reiterate our concern at the logistical implications for the Commission arising from the significant increase in its workload. For this reason, we believe it is essential that States parties to the Convention support the measures included in operative paragraphs 39, 40 and 41 of the omnibus draft resolution in document A/61/L.30.

For Mexico, it is important that the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts, which are being negotiated within the International Seabed Authority, should reflect international contemporary law and its principles, in particular those of international environmental law, in order to design a strict liability regime for damage to the marine environment in the Area. We also feel it important that the International Seabed Authority consider changing the dates of its meetings to improve attendance in Kingston. It is essential that the meetings continue to take place at the Authority's headquarters.

Mexico also reiterates the importance of promoting capacity in drafting reliable nautical charts that will guarantee the safety of navigation in order to protect the marine environment, especially in vulnerable marine ecosystems, such as coral reefs. It is also essential that financial institutions provide resources for the transition to electronic nautical charters.

The international community should pay special attention to the protection of the human rights of seafarers, especially given the frequent violation of their legal rights. That is why the rules provided for in the Convention on the prompt release of vessels and their crews, on sanctions for the pollution of the marine environment by foreign vessels, and on recognition of the rights of the accused should be respected.

With regard to marine transport of radioactive materials and the lack of appropriate regimes for liability and compensation in the case of accidents, although we recognize that some progress has been made within the International Atomic Energy Agency, we share the view of the Caribbean Community on the need to take more effective measures to meet the concerns of small island developing States and other coastal States. So, too, we reiterate the relevance of the principles of the Convention with regard to the freedom of navigation and the right to transit passage, recognizing that the authority of straits-bordering States to adopt legislation regulating those straits must be in line with such principles as non-discrimination and take into account the duty to cooperate to establish measures to protect the marine environment through the competent organizations.

With regard to the conservation and sustainable use of marine biodiversity beyond national jurisdiction, the work of the Ad Hoc Working Group that met in February demonstrates the enormous interest of States and the need to continue to examine that issue so as to promote its gradual development. Mexico notes the importance of the trends identified by the Working Group, such as the central role of the General Assembly in considering the issue and the fundamental basis, represented by the Convention, of the legal framework related to the use and conservation of biodiversity beyond national jurisdiction.

Similarly, we reiterate our concern to guarantee that the genetic resources of the international seabed be used in a sustainable and equitable manner. We therefore welcome the mandate given to the Secretary-General by the General Assembly to reconvene the Working Group to consider that aspect, among many others. We also welcome the fact that the next meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea will focus on marine genetic resources.

We would point out that, although only one theme was chosen for the next two meetings of the Informal Consultative Process, Mexico understands that the choice of themes should be based on the nature, complexity and importance of each. A single theme should be chosen only on an exceptional basis.

Mexico is committed to sustainable fisheries and complies with all the substantive provisions of the 1995 Agreement. That issue is of special importance to my country and we have therefore always participated constructively in seeking mechanisms that will allow it to become universal. Mexico feels it essential to reiterate here its conviction of the importance for States not parties to the 1995 Fish Stocks Agreement to be able to participate on an equal footing at the Review Conference. The establishment of the Conference's rules of procedure should retain article 36 of the Agreement in full so that only intergovernmental and non-governmental organizations may participate as observers.

The Review Conference held last May recognized that the measures needed to achieve the objective of universalization should include an exchange of ideas to take into account the concerns of non-States parties to the Agreement via ongoing dialogue. Mexico welcomes the call on States to launch a dialogue. The dialogue should be seen not only as a means to promote increased ratification of and accession to the Agreement, but also as an additional useful space for promoting cooperation in the implementation of conservation and management measures at the national level that will contribute to guaranteeing the conservation and sustainable use of straddling and highly migratory fish stocks. My delegation believes that delaying a dialogue between States parties and non-States parties to promote the latter's accession to the Agreement would go against the principles underpinning the Agreement itself and undermine the cooperation and collaboration that should prevail internationally.

An essential aspect of ensuring that fisheries can contribute to sustainable development is responsible international trade. Among the fundamental mechanisms for guaranteeing that aspect are systems of certification and eco-labelling, so long as they are undertaken in accordance with international law. Effective market access should be ensured in a non-discriminatory manner, eliminating barriers and trade distortions in conformity with the principles of the Code of Conduct for Responsible Fisheries.

With regard to the effects of fisheries on vulnerable marine ecosystems, Mexico recognizes the need to continue to adopt measures to address them effectively. With respect to bottom trawling in particular, the measures proposed in draft resolution A/61/L.38 on sustainable fisheries do not, unfortunately, reflect the urgent need to take measures to avoid damage to vulnerable ecosystems. We therefore feel that the draft resolution reflects no significant progress.

The application of the precautionary principle seeks to avoid irreversible damage to ecosystems and losses whose long-term effects may be difficult to reverse. Mexico therefore feels that the principles should be applied to bottom-trawling, which has been shown to be devastating to ecosystems. Waiting to see what damage had been caused before adopting measures would be dilatory and impede concrete actions to undo the harm. We should take into account the fact that technological development allows the exploitation of seabed resources with other, less destructive methods. We nevertheless call for the priority implementation of the series of measures outlined in draft resolution A/61/L.38, in accordance

with the terms and time frame established in the draft resolution itself.

Mr. Penjo (Bhutan), Vice-President, took the Chair.

Mexico believes that specialized technical mechanisms are essential to addressing the problems of the oceans through the coordination of the various competent agencies. We therefore support the establishment of the Ocean and Coastal Areas Network, the results of which should be distributed to all States. In its deliberations, the Network should take into account the opinions and points of view of Member States, especially within the framework of its task forces.

We also welcome the report of the first meeting of the Ad Hoc Steering Group to oversee the execution of the "assessment of assessments" launched as a preparatory stage towards the establishment of the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects. We also welcome the support provided by the United Nations Environment Programme and the Intergovernmental Oceanographic Commission in that task.

Similarly, Mexico feels that the promotion of regional capacity-building and cooperation is crucial, and in that context has continued to provide financial resources to the Assistance Fund of the Conference on Maritime Delimitations in the Caribbean, which recently held its fourth plenary session in the Dominican Republic.

The great variety and depth of issues addressed in both draft resolutions before us attest to the strategic importance of ocean affairs at the world level in recent years. The continued productivity of the oceans depends on the international community's use of them sustainably and on adequate recognition that ocean-related problems are intimately intertwined and should be considered as a whole. In view of the new challenges to the international community in ocean affairs, the United Nations Convention on the Law of the Sea continues to be the legal framework around which all ocean activities gravitate.

Finally, my delegation cannot but take this opportunity to recognize the work and professionalism of Mr. Vladimir Golitsyn of the Division for Ocean Affairs and the Law of the Sea. We wish him and his closest colleagues every success.

Mr. Nguyen Tat Thanh (Viet Nam): At the outset, on behalf of the delegation of Viet Nam, I would like to thank the President of the General Assembly for convening this meeting. We wish to join other speakers in expressing our appreciation to the Secretary-General and the Division for Ocean Affairs and the Law of the Sea for a set of comprehensive reports, contained in documents A/61/63, the addendum thereto, and A/61/154 on developments and issues relating to oceans and the law of the sea during the past year.

Since last year, the number of States parties to the United Nations Convention on the Law of the Sea (UNCLOS) has risen from 149 to 152. Our delegation warmly congratulates new UNCLOS States parties and believes that the current trend of broadening the membership of the Convention will continue. That trend is concrete proof of the vital importance of the Convention in strengthening peace, security, cooperation and friendly relations among all nations, in conformity with the principles of justice and equal rights and the promotion of the economic and social advancement of all peoples of the world, in accordance with the purposes and principles of the United Nations as set forth in its Charter, as well as the sustainable development of the oceans and seas. In that regard, we wish to stress the need for coastal States to strengthen cooperation with a view to ensuring maritime safety and security, as well as the freedom of navigation and the rights of transit passage and innocent passage, in accordance with international law, in particular UNCLOS.

We take note with satisfaction of the great work done by the International Seabed Authority, the Commission on the Limits of Continental Shelf, the International Tribunal for the Law of the Sea, and the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. In recent years, the Consultative Process has made a valuable contribution to the annual deliberations of the General Assembly on ocean affairs and the law of the sea and become a forum that has enriched substantially the international community's understanding of cross-cutting issues and assisted in promoting greater inter-agency coordination and cooperation.

In that regard, we wish to express our support for the agreed elements relating to ecosystem approaches and oceans suggested by the Consultative Process, as set out in part A of the report on the work of the Consultative Process at its seventh meeting in June 2006, in particular the proposed elements of an ecosystem approach, the means to achieve implementation of an ecosystem approach, and requirements for improved application of an ecosystem approach. We encourage the Consultative Process to continue its discussions on other substantial topics, as identified at its previous meetings.

We wish to take this opportunity to highlight recent activities undertaken by Viet Nam in the field of oceans and the law of the sea.

At the national level, we continue our efforts to improve the legal framework regulating marine issues. After adopting the Maritime Code in June 2005, the National Assembly is now at the final stage of consideration of a law on Viet Nam's sea zones.

At the regional level, Viet Nam signed and approved the Tokyo Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, which entered into force on 4 September 2006. We have also been participating actively in other cooperative measures with regional countries and within the framework of the Association of Southeast Asian Nations (ASEAN).

Regarding the Bien Dong Sea — the South China Sea — together with other member countries of ASEAN and China, Viet Nam is doing its best to implement the 2002 Declaration on the Conduct of Parties in the South China Sea, including participating in many plans and projects on marine scientific research and the protection and preservation of the marine environment. We wish to reiterate our commitment to respecting and implementing its provisions and call upon other signatories to fully implement it, continue to undertake confidence-building measures for the maintenance of peace and stability in the region, and commit to resolving the dispute in the South China Sea through peaceful means in accordance with international conventions, including UNCLOS.

At the international level, on 19 April 2006, Viet Nam acceded to the 1994 Agreement Relating to the Implementation of Part XI of UNCLOS and is considering accession to the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. At the twelfth session of the International Seabed Authority in August 2006, Viet Nam was elected to the Authority's Council for the term 2007-2010. We wish to take this opportunity to convey the sincere appreciation of the Government of Viet Nam for the valuable support of the members of the Authority. As a member of the Council, Viet Nam will do its utmost to contribute further to the work of the Authority.

Mr. Cho Hyun (Republic of Korea): The Korean delegation thanks the Secretary-General for his comprehensive report on oceans and the law of the sea. We also commend Mr. Carlos Duarte of Brazil and Ms. Holly Koehler of the United States for their excellent work in coordinating the two resolutions before us.

Today, the United Nations Convention on the Law of the Sea (UNCLOS) is widely accepted by the international community. The number of parties to UNCLOS stands at 152, while the number of parties to the Agreement Relating to the Implementation of Part XI of UNCLOS is 126.

Given the centrality of UNCLOS for the governance of oceans and seas, Korea attaches great importance to a coherent, integrated and equitable approach to the sustainable management and conservation of the oceans and their resources, in accordance with the letter and the spirit of the Convention. The implementing mechanisms of the Convention — the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf — have all played important roles. Korea has demonstrated its commitment to UNCLOS by actively participating in the work of those organs.

The oceans and seas are invaluable to the welfare of humanity, providing living and non-living marine resources and a vital avenue of transportation. However, the world continues to be troubled by piracy and the degradation of marine resources. Maritime safety and security is a serious concern for many seafaring States. In this context, the Republic of Korea is pleased to note that the United Nations Open-ended Informal Consultative Process on Oceans and the Law

of the Sea will focus its discussions on marine genetic resources in 2007 and on maritime security and safety in 2008.

As a country whose economy relies on international trade, the Republic of Korea believes that the right of transit passage should be upheld by all Member States. Korea reaffirms the rights and responsibilities of States that border on straits used for international navigation. Furthermore, we believe that all States parties should seek to preserve the integrity of UNCLOS against any measure that is inconsistent with it.

I would like to touch upon the issue of marine biological diversity beyond areas of national jurisdiction. Korea gives great importance to the conservation and sustainable use of marine biodiversity. We hope that future discussion on this issue will take place within the framework of UNCLOS and the Convention on Biological Diversity, balancing the protection of marine ecosystems and the sustainable use of marine biodiversity.

As a responsible fishing State and a State party to UNCLOS, Korea is seriously concerned by illegal, unreported and unregulated fishing, which remains one of the greatest threats to marine ecosystems, and its effects continue to have a substantial impact on the conservation and management of ocean resources. The Republic of Korea will work together with other States parties to take effective measures to prevent, deter and eliminate illegal, unreported and unregulated fishing activities.

The Republic of Korea also hopes that the international community will adopt and implement measures for the protection of vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold-water corals. In this regard, we would like to stress the important roles to be played by the Food and Agriculture Organization of the United Nations and regional fisheries management organizations in finding solutions to these issues.

The international community has long worked together to ensure safe transport and the sustainable use and management of marine resources. The United Nations has been a vital forum for States to engage in constructive dialogue on these important issues. As a responsible maritime State, Korea will continue to participate in ensuring the sound governance of the world's oceans and seas.

Mr. Tuglo (Indonesia): Allow me at the outset to express our gratitude to the Secretary-General for his comprehensive report on oceans and the law of the sea (A/61/63 and Add.1). We also commend the Secretariat's Division for Ocean Affairs and the Law of the Sea for its great work.

The report illustrates recent developments regarding the use of oceans and their implications for the existing legal framework of the Convention. These range from the application of ecosystem approaches to the economic use of oceans as a result of the advancement of marine technologies.

As the world's largest archipelago, with an oceangoing society and important waterways traversing its territory, Indonesia naturally attaches great importance to marine affairs, including fisheries, the maritime environment and the safety of navigation. In addition, ensuring maritime security in our national waters represents an important step taken to address non-traditional security threats coming from the sea, such as armed robbery against ships, smuggling of people and goods, and illegal logging. However, this step is a calculated measure taken in accordance with our national priorities and capabilities, and is not due to alarmist views that perceive a link between terrorists and pirates, two different sets of people with diametrically opposed purposes.

This year, during the informal consultation process preceding these meetings, we had the opportunity to discuss quite extensively the issue of marine biodiversity beyond national jurisdiction. Those deliberations and the studies initiated by the Ad Hoc Open-ended Working Group established in 2004 on the matter have helped us to better comprehend the responsibilities of States seeking to generate economic benefits from the oceans.

The interesting coincidence here is that a similar process has been undertaken recently within the framework of the Conference of the Parties to the Convention on Biological Diversity in Curitiba, Brazil. That process underlined the importance of conducting comprehensive studies to help us fully understand the legal implications of exploring living resources beyond national jurisdictions. In this regard, we are pleased that the next year's Informal Consultative Process will be devoted to further discussions of this issue so that we can chart a realistic course of action forward.

Although new issues concerning the proper applicability of the existing legal framework sometimes confront us, the integrity of the United Nations Convention on the Law of the Sea (UNCLOS) should be emphasized so that any new legal regime will draw on the basic norms of the Convention. Only through such a process can we strengthen the integrity of the Convention.

Speaking of the integrity of the Convention, Mr. Tommy Koh of Singapore, then the President of the Third United Nation Conference on the Law of the Sea, in his famous remarks in December 1982, proclaimed that UNCLOS serves as the constitution for the oceans. He was, and still is, right, since UNCLOS is the only comprehensive legal framework for managing various aspects of the oceans, ranging from the technical determination of what constitutes a baseline and how to draw such a baseline to the guidelines of using an ocean rich in its water column as well as in its seabed. It deals also with issues ranging from how an ocean court should operate to what rights should be enjoyed by aircraft when flying over certain waters of various jurisdictions. The interests of States on these issues are balanced, paving the way for the adoption of UNCLOS by the international community in 1982. Here, I shall quote Mr. Koh:

> "The world community's interest in the freedom of navigation will be facilitated by the important compromises on the status of exclusive economic zone, by the regime of innocent passage through the territorial sea, by the regime of transit passage through straits used for international navigation and by the regime of archipelagic sea lane passage."

That is indeed a delicate balance, and one that was carefully crafted when the international community sealed its agreement to the Convention. We believe that this balanced approach should be maintained. As a comprehensive legal instrument on ocean affairs, the Convention must not be interpreted on a selective basis, particularly when we want to emphasize those legal norms in our omnibus resolutions.

It is the obligation of all States — coastal States as well as user States — to faithfully exercise their rights and fulfil their obligations when applying the legal regimes derived from the Convention as a whole. A selective or pick-and-choose approach to the application of UNCLOS betrays the constitution for the oceans which was so carefully negotiated by members of the international community.

We acknowledge the importance of establishing an integrated ocean management system to ensure the long-term use and sustainable development of the fisheries sector. The application of ecosystem and precautionary approaches to ocean management will strengthen the fulfilment of such an objective. Given the differences in the capacities of States, Indonesia would like to emphasize the need to strengthen capacity-building for coastal States, in particular developing coastal countries, to enable them to contribute to the process of optimizing the protection of the marine environment to support sustainable fisheries management. In this regard, we welcome the initiatives of States to disseminate this new approach to ocean and fisheries affairs.

I turn now to the question of ensuring maritime security in the Straits of Malacca and Singapore. Following the Jakarta meeting of last year, all the littoral States of the Straits met in Kuala Lumpur in September 2006 to further strengthen their cooperation with a view to meeting that objective through existing trilateral mechanisms, including the Trilateral Ministerial Meeting, the Trilateral Senior Officials Meeting and the Trilateral Technical Experts Group.

Along with user States and other stakeholders, we also discussed burden-sharing mechanisms to assist littoral States in ensuring and maintaining the safety of navigation in the area. As a result of our cooperation, electronic navigational charts will soon be installed, in the form of the Marine Electronic Highway for the Straits of Malacca and Singapore.

Furthermore, at the domestic level, last month the Indonesian Government launched a new structure, the Coordinating Agency for Maritime Security. This agency, led by the Coordinating Minister for Political, Law and Security Affairs, has the main responsibility for coordinating cohesion among various relevant institutions for the purposes of ensuring maritime security in Indonesian waters. We also believe that this institution will contribute positively to our consistent measures to combat threats to maritime security in our region. In this regard, it is worth mentioning that, prior to the creation of the Agency Indonesia annually lost hundreds of millions of dollars due to smuggling operations in the Straits of Malacca and Singapore.

Beyond our continued efforts to ensure the safety of navigation in the Straits of Malacca and Singapore, rarely do we hear any discussion about the environmental impact of the high volume of vessels transiting them. In the event of a shipwreck, if thousands of cars were to sink in the shallow waters of one of the busy shipping lanes of the Strait of Malacca, the impact on the safety of navigation in the area and on the environment, if the shipwreck were not removed promptly, would be difficult to contain. Furthermore, it is difficult to comprehend the argument that, in such a case, the flag State can do nothing to compel ships flying its flag or registered by it to shoulder responsibility for promptly removing the wreck, leaving such removal to insurance companies.

It is our view that the flag State or State of registration has an obligation, particularly in cases of prolonged or delayed removal, among other things, to blacklist the shipowners and revoke their ship registration pending fulfilment of their responsibility to remove wrecks that may pose a hazard to the safety of navigation in the waters of other States, particularly in straits used for international navigation. This view is consistent with the general obligation of every State, in accordance with the Convention, inter alia, to effectively exercise jurisdiction and control in administrative and technical matters over ships flying its flag or of its registry, with the objective of ensuring the prevention, reduction and control of pollution of the marine environment. Further, it seems unfair that, while littoral States bordering such straits, such as Indonesia, have the obligation to keep the straits safe for navigation and to protect the environment from potential damage, those demanding that littoral States secure such straits refuse to force ships flying their flags or of their registry to remove wrecks and sunken cargo belonging to them.

Given those concerns, we attach great importance to the finalization of the draft Wreck Removal Convention, scheduled to be adopted in May next year in Nairobi. We are also observing with great attention those stakeholders who shunned their responsibilities under UNCLOS for making straits used for international navigation, such the Straits of Malacca and Singapore, safe for that use.

Before concluding, my delegation would like to thank Mr. Carlos Duarte of Brazil and Ms. Holly Koehler of the United States for their excellent contribution in coordinating the work on the two draft resolutions before us today.

Mr. Rosselli (Uruguay) (*spoke in Spanish*): Uruguay considers it to be of great importance that the Open-ended Informal Consultative Process convened by the Secretary-General continue its search for substantive responses to existing problems in ocean affairs. In the framework of the consultations, the international community benefits in general from the adoption of conservation measures following ecosystem approaches based on scientific methods. Uruguay supports this. It is our view that such approaches, when they are implemented, should conform to international instruments in force, in particular the United Nations Convention on the Law of the Sea (UNCLOS), which, taken as a whole, we recognize as the essential framework for the law of the sea. Here, we stress that, in ecosystem management, the rights of coastal States should be respected within their areas of jurisdiction.

While recognizing that the main threat to ecosystems is seen in coastal zones, we also note that conservation measures are most sorely lacking in high seas areas; in general, coastal States have an adequate legal framework to establish controls.

Uruguay recognizes the danger posed by fisheries practices, such as bottom-trawling, that irreversibly damage marine biodiversity, especially in certain very sensitive high seas areas. We propose that any measure to be taken in this regard be adopted scientifically and appropriately adapted to the area to which it will be applied. Such measures should be based on information from the Food and Agriculture Organization of the United Nations and from regional organizations: ecosystem approaches should be adapted to local characteristics.

Uruguay recognizes that the marine environment is composed of particularly vulnerable ecosystems that cannot be isolated from others that are adjacent. But we also consider that standards proposed by international organizations, in particular regional fisheries management organizations, should be fully compatible with the sovereign rights of coastal States.

Like other States, Uruguay would like to warn that conservation measures adopted on the basis of an ecosystem approach would not be sufficient to stop illicit fishing activities, which are possible in large part because there is a lack of control on the high seas. This

is due to omissions by flag States and the lack of regional fisheries organizations in some areas, such as the South-West Atlantic. Here, political measures are needed. In this regard, we reiterate the position we have sustained in forums on fisheries activities: all boarding and inspection of vessels on the high seas should comply with the law and should respect the jurisdiction of the flag State, ensuring the participation of the flag State in the operation.

Uruguay recognizes the need for cooperation and consistency among the international organizations working in this area. We also recognize the need for the exchange of information and for international scientific cooperation, as well as the growing requirements for financial resources to meet conservation and governance needs.

With regard to the safety of navigation, Uruguay supports the whole package of measures related to the protection of seafarers and fair treatment, in accordance with the law, for those who have fallen victim to accidents, shipwrecks or criminal acts on the high seas.

One point that my delegation would like to mention in particular is the safe transport of radioactive materials through areas that can be particularly vulnerable, such as exclusive economic zones and developing island areas. The way to improve mutual trust in such areas is set out in the Vienna plan, which includes the broadest possible consultations between States of transport and States of transit, particularly in three main areas: the enhancement and functioning of regulatory regimes, particularly the codes of the International Atomic Energy Agency (IAEA) and the International Maritime Organization; the transparency and timeliness of the information shared between States of transport and affected coastal States; and the most comprehensive study possible of the liability system in this area. The work being done by the IAEA on those elements should be taken into account when the issue is discussed in future negotiations.

Another point that we believe should be considered in the future — which has been raised by a number of delegations during the present session — is the issue of coastal States bordering straits used for international navigation, particularly the problem of ensuring consistency between the regulatory measures undertaken by coastal States and the legal system of UNCLOS. In such cases, the implementation of measures in such cases should not permit discriminatory practices that might prevent or hamper the exercise of the right of transit through these areas.

The Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks was held last May. For Uruguay, the Agreement has been in force since 2001. At the Conference, the Uruguayan position was primarily to ensure that acquired rights not be undermined, including those involving the competencies and sovereign rights of a coastal State within its exclusive economic zone, the sovereignty of port States and freedoms on the high seas, particularly with regard to inspections and the possible use of force in the control of high-seas fishing.

Uruguay's national positions in this area can be summarized in three points. First, we support the existing concepts of the sovereignty of coastal States within their exclusive economic zones. Secondly, we reject provisions affecting the sovereignty of port States in fisheries operations. Thirdly, we reject the implementation of restrictive high seas fishing measures that exclude vessels of certain flags from major fishing grounds under the pretext of implementing conservation measures that are really discriminatory practices.

My statement would not be complete if I did not mention the excellent work of our two coordinators, Mr. Carlos Duarte of Brazil and Ms. Holly Koehler of the United States, as well as the unwavering support of the Secretariat's Division for Ocean Affairs and the Law of the Sea.

Mrs. Núñez Mordoche (Cuba) (*spoke in Spanish*): We are extremely pleased to note that the United Nations Convention on the Law of the Sea (UNCLOS) remains fully valid and current. That reaffirms its universal character and its key importance in the maintenance and strengthening of international peace and security and the sustainable development of the oceans and seas.

My delegation places particular emphasis on the need to strengthen international cooperation among all actors involved in sea and ocean management, including the exchange of knowledge and capacity-

building, which are aspects of vital importance for developing countries. To my country, given its geography, issues related to the seas and oceans are of particular interest. Despite the economic hardships facing us, we continue to make great efforts to implement national strategies promoting the sustainable development and protection of the marine environment in order to consistently and effectively implement the Convention's provisions.

UNCLOS establishes an appropriate and universally recognized legal framework within which all activities on the oceans and the seas should be conducted. That is why we call attention to the policies and initiatives of some States — such as the Proliferation Security Initiative — that contravene the Convention. To carry out the practical implementation of that initiative would be to ignore the generally accepted rules regarding the interception of vessels and the legal regime covering various maritime areas.

We also wish to indicate that any activity — including the conservation and management of resources — related to marine biological diversity beyond areas of national jurisdiction should be governed by the principles established in the Convention, which provides that marine scientific research in the exclusive economic zone should be carried out for exclusively peaceful purposes and to benefit humanity as a whole.

In that connection, we express our satisfaction with the work carried out by the Ad Hoc Open-ended Informal Working Group established pursuant to paragraph 73 of resolution 59/24 to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. At the same time, we are particularly pleased at the holding of another meeting of the Ad Hoc Open-ended Informal Working Group with full conference services, which will enable us to make progress in considering that important issue.

Furthermore, we believe that all issues related to the Group's mandate should by studied in detail, including those related to humanity's common heritage and to the effective distribution of benefits in accordance with the principles of international law, including the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction, as contained in General Assembly resolution 2749 (XXV), and UNCLOS.

Although Cuba is not a party to the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, we comply in good will with the major conservation and management provisions established in it. The main reason that we have not become a party is our concern regarding the mechanism of visits and inspection on board fishing vessels, established under articles 21 and 22 of this instrument.

We would not wish to conclude without first thanking the coordinators for their work on the two draft resolutions that we will adopt today.

Mr. Brevik (Norway): The United Nations Convention on the Law of the Sea provides the legal framework for all issues relating to oceans and maritime activities. We welcome the fact that this instrument continues to gain new parties, bringing us steadily closer to the goal of universal adherence. Needless to say, we expect all parties to respect the letter and spirit of the Convention in all their dealings involving maritime affairs.

The Convention reflects customary international law on a number of issues. As regards the management of straddling and highly migratory fish stocks, the 1995 Fish Stocks Agreement is an essential contribution to the law of the sea. It sets out the precautionary principle and establishes the institutional framework for regional cooperation on sustainable fisheries management. We welcome the increasing number of parties to this Agreement but underline the need for even greater participation. An important issue in this regard is the need for increased awareness of the Agreement and its benefits among States. To this end, Norway is currently cooperating with the Food and Agriculture Organization of the United Nations with a particular focus on capacity-building in developing countries.

Norway wishes to express its satisfaction with the consensus reached in May this year at the Review Conference on the implementation of the 1995 Fish Stocks Agreement. We therefore encourage States and regional fisheries management organizations or

arrangements to give due priority to the implementation of the results of the Conference.

The wide range of maritime issues presently being dealt with within the broader framework of the General Assembly illustrates the Assembly's role as the universal forum for discussing current issues regarding ocean affairs and the law of the sea. It is essential that all important discussions on the broader development of the law of the sea take place within this representative forum. In this regard, I commend the Division for Ocean Affairs and the Law of the Sea on the excellent job it is doing to provide the General Assembly with necessary input on the topics under discussion. It is essential that the Division be provided with the resources it needs to continue to carry out its important function.

A range of maritime activities and discharges affect the state of the marine environment. The accumulated effect on the marine ecosystems is a result of a wide variety of different factors such as the discharge of chemicals, contaminated sediments, harvesting of living resources, the introduction of non-indigenous species and the physical destruction of habitats, as well as increased emissions of greenhouse gases into the atmosphere. The state of the marine environment is governed by a complex pattern of natural interplay among and variation in ecosystems, and by the effects caused by human activity. Impact on one component of an ecosystem will have consequences on other parts, even though often the actual effects may be difficult to measure. If key species that many links in the food chain depend on are negatively affected, there can be an adverse impact on the entire ecosystem.

By 2010, management of oceans should be based on the ecosystem approach in accordance with the 2002 Johannesburg Plan of Implementation. In the long term, the accumulated effect on the environment must not be greater than what the structure of the ecosystems and their biological diversity can tolerate.

The Norwegian Government applies the ecosystem approach to the management of our ocean spaces. We are developing integrated management plans for Norwegian maritime areas. In March this year, the Government presented to the Storting an integrated management plan for the Barents Sea and the areas off the Lofoten Islands. This plan constitutes an overall framework for the sustainable use of natural resources in the area. In developing the plan, we attached great importance to developing a considerable body of scientific knowledge about the seas in question. The plan is intended to be dynamic, and we will regularly assess the need to update and adapt it to changing conditions.

Norway is deeply concerned about the impact on the marine environment of increased concentrations of greenhouse gases in the atmosphere. We know that elevated levels of anthropogenic carbon dioxide in the atmosphere are rapidly changing ocean chemistry, leading to ocean acidification. Other large-scale impacts include rising sea levels and sea surface temperatures, reduced sea ice coverage and changes in ocean circulation and salinity. Collectively, these changes will have a profound impact on the structure and functioning — and hence the productivity and biodiversity — of marine ecosystems.

Norway views the capture and geological storage of carbon dioxide as an element in a portfolio of measures to mitigate climate change and ocean acidification. We welcome the recent adoption of an amendment to the 1996 London Protocol to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters to allow for carbon dioxide sequestration in sub-seabed geological formations. Amendments to the Convention provide a coherent legal framework for such activities and are important for the further development of this technology. Therefore, we also participate actively — both globally under the London Protocol, and regionally under the OSPAR Convention, the Convention on the Protection of the Marine Environment of the North-East Atlantic — in the important work on further technical guidance for the geological storage of carbon dioxide.

Our oceans also need to be protected against the introduction of species alien to ecosystems. It is generally accepted that discharge of harmful aquatic species through ballast water is one of the largest threats we face to marine biological diversity. The Norwegian Government has decided to ask for the Storting's approval to accede to the International Convention for the Control and Management of Ships' Ballast Water and Sediments. Subject to parliamentary approval, Norway will be among the first larger flag States to join the Convention, and it urges other States to consider ratifying this important instrument.

Illegal, unreported and unregulated (IUU) fishing is one of the most serious threats currently facing marine fish stocks. Fighting this phenomenon is of the highest priorities for Norway. Developing countries in particular are hurt by IUU fishing, since they lose State revenue while their coastal communities are weakened, sometimes on a long-term basis.

Implementation of a port-State control regime combined with enhanced compliance by flag States with their duties are important tools for eliminating IUU fishing. They constitute steps towards curbing IUU fishing and ensuring compliance by the States concerned. On a Norwegian initiative, and in close cooperation with other Member States, the North-East Atlantic Fisheries Commission recently adopted a new scheme of control and enforcement, which includes a comprehensive and binding agreement on port-State control for all fish stemming from catches in the North-East Atlantic. This scheme is necessary in our region, and we encourage other regional fisheries management organizations and arrangements to take similar measures.

However, our final goal is to establish a global, binding agreement on port-State control. We value the support this idea received at the Review Conference on the implementation of the 1995 Fish Stocks Agreement in May this year, and here in the General Assembly this fall. We hope that in March next year the Food and Agriculture Organization of the United Nations will initiate a process for the negotiation of such an agreement.

The main problems concerning conservation and the sustainable management of marine resources are found within national zones. The greatest challenge is to ensure sustainable management of living marine resources within areas under national jurisdiction. These facts must not be blurred by the present extensive focus on issues related to conservation and the sustainable use of biodiversity on the high seas.

However, there are also substantial challenges related to biodiversity in areas beyond national jurisdiction, and that issue has Norway's full attention. In these waters, we must also implement the ecosystem approach and apply the precautionary principle to the management of human activities. We need to ensure conservation and the sustainable use of biodiversity, including achieving a more integrated approach to establishing and managing marine protected areas.

Destructive fishing practices, such as bottom trawling, are the most immediate and serious threat to marine biodiversity and they urgently need to be addressed in an effective manner. Based on what we know at this stage, we believe that most, if not all, threats to marine biodiversity within and beyond areas of national jurisdiction today can be met by implementing practical and effective measures within the existing legal framework and existing instruments. We have the tools available, but at the end of the day, we are dependent on political will to see that they are used and that the laws are complied with.

In this regard, we are encouraged by the active participation this fall in the General Assembly's thorough review of destructive fishing practices. Although we had hoped and worked for consensus on even tougher measures against destructive fishing practices, we think the agreed measures provide important guidance on how to deal with these challenges at the present stage. We now expect the regional fisheries management organizations and arrangements to take seriously their responsibilities to protect vulnerable habitats within their regulatory areas and implement necessary measures to prevent further habitat degradation. And, not least, we expect flag States that allow their vessels to conduct bottom trawling in unregulated high seas areas to act to prevent further harm to vulnerable areas.

The challenges related to sustainable use and conservation of biological resources in areas beyond national jurisdiction were also discussed in depth here in New York in February this year during the meeting of the Ad Hoc Working Group established specifically to facilitate such discussions. We are glad that there is consensus to continue the work of that group at a meeting in 2008 under the auspices of the General Assembly within the framework of the Convention.

The Secretary-General's latest report on oceans and the law of the sea (A/61/63/Add.1) refers to a large number of actual and attempted acts of piracy and armed robbery, the same number as last year. It is reported that the level of violence has escalated and that the threat to seafarers' lives remains very high. This threat to seafarers and the shipping industry is of great concern to my Government. However, we commend those Governments that have taken an active interest in cooperating to curb this problem, and in this regard we highlight the recent entry into force of the 2004 Regional Cooperation Agreement on Combating

Piracy and Armed Robbery against Ships in Asia. The International Maritime Organization deserves praise for its efforts, and we encourage it to continue its engagement in this field.

In closing, let me draw the Assembly's attention to an issue to which we attach the greatest importance. It follows from the Convention on the Law of the Sea that coastal States' legal definition of the continental shelf automatically extends to 200 nautical miles. States with submarine natural prolongations of their land territory beyond 200 miles must submit documentation to that effect to the Commission on the Limits of the Continental Shelf. That documentation must be approved by the Commission before the coastal State can establish the final outer limits of their continental shelf. The submission deadline for many States is 2009.

For some developing States, presenting the necessary documentation is a particularly challenging task. The General Assembly has established a United Nations trust fund to assist developing countries in documenting the outer limits of their continental shelves beyond 200 nautical miles. Norway recently contributed an additional $1 million to this fund, and we would like to see increased activity in this area through financing from the fund.

Ms. Martina (Ukraine): Ukraine is firmly committed to the United Nations Convention on the Law of the Sea, which represents a significant achievement by the international community and an important testimony to United Nations efforts to codify and develop international law of the sea.

My country attached great importance to the issues of fisheries even before it became a party to the Fish Stocks Agreement. Ukraine's legislation on fisheries was developed on the basis of provisions and principles of that Agreement. Since the Verkhovna Rada — Ukraine's parliament — passed the law on accession to the 1995 Agreement, additional practical steps to implement its provisions are being taken. They include, in particular, the adoption of a number of normative legal documents designed to enhance the role of the State in ocean fishing and increasing the responsibility of vessel owners.

Overexploitation of living marine resources through excess fishing continues to be of grave concern to the international community. As a geographically disadvantaged country bordering a sea poor in living resources and suffering from the depletion of fish stocks in its exclusive economic zone, Ukraine places special emphasis on the problem of illegal, unregulated and unreported fishing.

We strongly believe that all States should apply effective measures for the conservation and management of fish stocks in order to protect living marine resources and preserve the marine environment. Better international cooperation is needed in this sphere. Here, a crucial role belongs to relevant regional organizations. It is important that regional fisheries enhance their cooperation with a larger number of States, in particular States that engage in high-seas fishing and geographically disadvantaged States.

The international legal framework for high-seas fishing by commercial fishing vessels flying the Ukrainian flag comprises the 1982 United Nations Convention on the Law of the Sea, the 1995 Fish Stocks Agreement, the 1980 Convention on the Conservation of Antarctic Marine Living Resources and our State's participation in the International Commission for the Northwest Atlantic Fisheries and in the Northwest Atlantic Fisheries Organization.

After joining the Food and Agriculture Organization of the United Nations (FAO), Ukraine confirmed its adherence to modern sea-fishing standards by accepting an extensive set of voluntary obligations, including codes and action plans elaborated by FAO to ensure the sustainable use of marine resources. In 2002, Ukraine adopted a law for a national programme of fishing vessel construction for the period 2002 to 2010. In 2003, the national programme to develop Ukraine's fishing industries to the year 2010 was adopted.

Ukrainian delegations participate in the work of a number of bodies of the Northwest Atlantic Fisheries Organization and the North-East Atlantic Fisheries Commission and advocate the obligatory presence of scientific observers on all marine vessels and in all areas of commercial fishing related to the activities of those organizations.

With regard to the problem of stock management and fishing, we would like to emphasize the need for stricter measures to limit the level of exploitation of most stocks, taking into account that there is no universal approach at present to determine biological criteria for an admissible level of stock exploitation.

We emphasize the need to ensure effective coordination and cooperation in integrated ocean management to facilitate sustainable fisheries and to enhance maritime safety and the protection of the marine environment from pollution.

The institutions established within the framework of the Convention are essential components in the global system providing for the rule of law in the oceans and for the maintenance of peace and security. We note with satisfaction the effective functioning of the International Seabed Authority and the Commission on the Limits of the Continental Shelf. We reaffirm the crucial role that the International Tribunal for the Law of the Sea has played in the process of interpreting and implementing the 1982 Convention and the Agreement.

We would also like to express our appreciation to the Secretary-General for the quality and scope of his report, which in itself is a powerful tool that facilitates international cooperation and coordination. The activities of the Division for Ocean Affairs and the Law of the Sea continue to be intense and worthy of our praise.

Mr. Hachani (Tunisia) (*spoke in French*): I am pleased to participate in the General Assembly's debate on oceans and the law of the sea, which is an agenda item dealing with issues that are important, if not vital, for current and future generations.

I cannot begin my statement without thanking the Secretary-General and the staff of the Division for Ocean Affairs and the Law of the Sea for the comprehensive and instructive reports on oceans and the law of the sea (A/61/63) and sustainable fisheries (A/61/154), which present a complete picture of recent developments in the situation in those areas and provide an essential context for our consideration of this agenda item.

I should also like to pay tribute to the coordinators of the two draft resolutions before us and to commend the professionalism with which they led the consultations on this subject. Those documents and draft resolutions, as well as the present debate, show the importance that the international community attaches to establishing a coherent and equitable policy regarding the sustainable management and conservation of oceans and their resources, both in areas under the responsibility of coastal States and in areas beyond the limits of national jurisdiction.

Protecting and conserving the marine environment and fisheries resources are a constant source of concern for Tunisia. We are a coastal country situated in a semi-enclosed sea, the Mediterranean, where marine activities represent a significant source of income for many households. That is why the fisheries sector in Tunisia continues to receive special attention and is the subject of a development strategy based on managing fish stocks in a rational manner, maintaining a balance between fishing and exploitable resources, consolidating applied scientific research and promoting aquaculture.

The Secretary-General's report entitled "Impacts of fishing on vulnerable marine ecosystems" notes, inter alia, that States and regional fisheries management organizations are making increasing efforts to remedy the effects of destructive practices and that the ecosystem approach and the precautionary approach are widely recognized and being increasingly integrated into fisheries policies. That observation is encouraging and should be welcomed.

However, fish stocks in many regions of the world continue to be subjected to harmful overexploitation, particularly as a result of illegal, unreported and unregulated fishing, which could well exhaust the stocks of certain fish species, seriously damage marine habitats and ecosystems and jeopardize food security and the economies of many States, particularly developing States. This shows — as if it were necessary — that the fight against those illicit practices is far from being won and that we still have much to do in this vital area.

Thanks to the many agreements and instruments that have been put in place, the international community has enough tools at its disposal to ensure the conservation and sustainable use of marine biological resources. However, the usefulness and effectiveness of those tools strictly depends on the willingness of the parties to act with resolve to shoulder their responsibility and honour their commitments.

Today, together with States, regional fisheries management organizations are the cornerstone of the implementation of any policy aimed at the conservation and sustainable exploitation of oceans and their resources. They also constitute the principal framework for international cooperation in that regard. While we commend the ongoing efforts to establish

new organizations in several fisheries — particularly the southern sector of the Indian Ocean and the South Pacific — Tunisia believes that those bodies would benefit from strengthening their mandates and incorporating the ecosystem approach and the precautionary approach as guidelines for managing their fisheries, in order to make them more effective.

Having followed with interest the debate on the desirability of declaring an international moratorium on bottom trawling, my country believes that fisheries beyond areas of national jurisdiction should be regulated by regional fisheries organizations on the basis of studies carried out by those organizations.

The 1995 Fish Stocks Agreement is the most important binding instrument concerning the conservation and management of fisheries resources since the adoption of the United Nations Convention on the Law of the Sea in 1982. Its entry into force, four years ago, has had a significant impact on the conservation and management of high-seas fisheries resources and on international cooperation in the fishing industry. This fact was confirmed at the Review Conference in New York from 22 to 26 May 2006 — an opportunity that was wisely used to assess the effectiveness of the Agreement and the status of its implementation, as well as to adopt a number of recommendations that seek to strengthen the Agreement and implementation methods in order to better tackle problems that continue to impede the conservation and management of fish stocks. We support the decision to continue informal consultations among States parties and to continue to discuss the Agreement until the Review Conference meets here again in 2011.

With the continuous increase of international maritime transportation and the heightened risk of accidents at sea, the issue of maritime safety and security becomes an absolute priority that we should tackle through a pragmatic approach based on international cooperation. I would like to recall the guidelines proposed by the International Maritime Organization (IMO) concerning places of refuge for ships in distress in order to emphasize in particular that managing these places of refuge and implementing the IMO guidelines require enormous human and material resources that exceed the capacities of developing countries.

In conclusion, I wish to reiterate Tunisia's commitment to the implementation of the United Nations Convention on the Law of the Sea of 1982, which necessarily means complying with the various obligations and principles contained in this important instrument in the various areas involving the utilization of maritime spaces, including the right of transit through straits recognized for use for international navigation.

Organization of work

The Acting President: We have heard the last speaker on the item for this meeting. I would like to inform members that we will continue with the consideration of agenda item 71 and its sub-items (a) and (b) tomorrow morning, immediately following the adjournment of the special commemorative meeting devoted to the sixtieth anniversary of the operations of the United Nations Children's Fund.

Programme of work

The Acting President: I would like to confirm that the General Assembly, on Monday, 11 December 2006, will consider in a joint debate, as the second item, agenda item 9, "Report of the Security Council", and agenda item 111, "Question of equitable representation on and increase in the membership of the Security Council and related matters".

In that connection, I would like to inform members that the report of the Security Council, contained in document A/61/2, has already been distributed in delegations' boxes this morning, and is also available on the ODS.

I should also like to consult members regarding a future extension for the work of the Second Committee. Members will recall that, at its 65th plenary meeting, on 4 December 2006, the General Assembly agreed to an extension for the work of the Second Committee until Wednesday, 6 December. Subsequently, the President of the Assembly has been further informed by the Chairperson of the Second Committee that the Committee will not be able to finish its work until Friday, 8 December.

May I therefore take it that the General Assembly agrees to extend the work of the Second Committee until Friday, 8 December?

It was so decided.

The meeting rose at 6 p.m.

United Nations A/61/PV.70

General Assembly

Sixty-first session

Official Records

70th plenary meeting
Friday, 8 December 2006, 10.15 a.m.
New York

President: Ms. Al-Khalifa ..... (Bahrain)

In the absence of the President, Mrs. Mladineo (Croatia), Vice-President, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 58

Operational activities for development: operational activities for development of the United Nations system: special commemorative meeting devoted to the sixtieth anniversary of the operations of the United Nations Children's Fund

The Acting President: This morning the General Assembly will hold a special commemorative meeting devoted to the sixtieth anniversary of the operations of the United Nations Children's Fund, under agenda item 58, in accordance with resolution 61/20, of 28 November 2006.

Members will recall that, at its 2nd plenary meeting, on 13 September 2006, the General Assembly decided to allocate agenda item 58 to the Second Committee under heading B of the agenda, entitled "Promotion of sustained economic growth and sustainable development in accordance with the relevant resolutions of the General Assembly and recent United Nations conferences".

In order for the General Assembly to hold the special commemorative meeting today, may I take it that the Assembly wishes to also consider agenda item 58 directly in plenary meeting under heading B of the agenda?

It was so decided.

The Acting President: In the absence of objection, may I further take it that the Assembly agrees to proceed immediately to holding the special commemorative meeting under agenda item 58?

It was so decided.

The Acting President: We shall proceed accordingly.

Statement by the Acting President

The Acting President: On behalf of Sheikha Haya Rashed Al-Khalifa, President of the General Assembly at its sixty-first session, I am honoured to welcome members to this special meeting of the General Assembly to commemorate the sixtieth anniversary the United Nations Children's Fund (UNICEF). I would also like to welcome all the children who are with us today. They have a special role and responsibility in this commemorative event, because they are representing children from all over the world.

As we have seen in the film shown in the Hall moments ago, UNICEF has worked on behalf of children — who frequently are the most vulnerable among us — from the earliest days of the Organization. Over the past 60 years, UNICEF has shown us that the rights of children to survival, protection and participation are central to development. We will not be able to achieve the Millennium Development Goals

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unless we ensure that those fundamental rights of the child are realized.

The name UNICEF has always been synonymous with action, from its early relief work for children affected by war — which continues to this day — to campaigns against disease and for the promotion of child health, nutrition and education in the 1950s, 1960s and 1970s, the child survival and development revolution and the drive for universal child immunization in the 1980s, its work for child rights in the 1990s as a force behind the adoption and near universal ratification of the Convention on the Rights of the Child, and its work today to achieve results for children through the Millennium Development Goals.

None of those achievements would have been possible without the dedicated staff who have served UNICEF and the children of the world so well over the past 60 years. Those women and men deserve our special thanks. In particular, we should pay tribute to those who, in the call of duty, have lost their lives working in difficult conditions in the field.

The name UNICEF is also synonymous with advocacy. Its national committees and networks of volunteers in 37 countries have sold millions of greeting cards to raise funds and awareness of UNICEF's work. Beginning with the appointment of the actor Danny Kaye as its first Goodwill Ambassador, UNICEF has relied on such ambassadors to spread the word about children's issues.

UNICEF was closely involved in the historic World Summit for Children, which took place in 1990 in the General Assembly Hall. UNICEF was also a driving force behind the 2002 General Assembly special session on children. That culminated in a Declaration and Plan of Action entitled "A world fit for children". The Assembly will review progress towards the goals of "A world fit for children" in 2007.

In congratulating UNICEF today for 60 years' worth of achievement, let us also remind ourselves that we have much more to accomplish before we can say that we live in a world fit for children. Too many children still die of preventable diseases, go hungry, are denied their right to an education or are forced into early marriage or hazardous work. Too many children have been orphaned or made vulnerable by HIV/AIDS. And too many of them will never experience a childhood.

On this sixtieth anniversary of the United Nations Children's Fund, let us deliver on the promises that we have made in this very Hall to the children of the world.

I now give the floor to Mr. Chen Jian, Under-Secretary-General of the Department for General Assembly and Conference Management, do deliver a statement on behalf of the Secretary-General.

Mr. Chen: I have the honour today to read out the following message of the Secretary-General to the special commemorative meeting of the General Assembly devoted to the sixtieth anniversary of UNICEF:

> "In the 10 years I have served as Secretary-General, I have been privileged to meet UNICEF colleagues all around the world. I have seen them do great things for children, on all continents and against all odds. They have given a voice to those children who need it most. They have protected children and helped them to survive and develop. It is largely thanks to UNICEF that today we understand better than ever that building a better future begins with children — with ensuring that they are healthy, educated, safe and loved. When given the best possible start in life, children can grow up to realize their greatest potential as adults. UNICEF is dedicated to providing that gateway to a better future.
>
> "Over the six decades that have passed since UNICEF's establishment, at the end of the Second World War, UNICEF's advocacy on behalf of children has changed the international discourse, putting a human face on development. Each year, UNICEF's flagship publication has borne witness to the state of the world's children, bringing the world's attention to its youngest citizens. Campaigns for child survival, girls' education and HIV/AIDS have proved models of a broad and deep partnership across agencies. UNICEF's emergency responses have saved the lives of millions of children caught up in wars and natural disasters. Health programmes have saved millions of children from disease, under-nutrition, illness and death. Education programmes have enabled millions to learn what they need to lead full and productive lives. Protection programmes have saved millions from trafficking, sexual exploitation, violence and

abuse. And today, UNICEF's work to realize the rights of all children is at the heart of our efforts to reach the Millennium Development Goals.

"If UNICEF did not exist the world would have to invent it. As the Assembly celebrates this milestone, I extend my profound thanks to the staff and leadership of UNICEF, as well as to the national committees for UNICEF and their Goodwill Ambassadors, for the wonderful partnership we have enjoyed. I know they will keep going strong for many such milestones to come. I will no longer be Secretary-General, but I will always their fan."

The Acting President: Before we proceed, I would like to consult Member States about inviting Ms. Ann Veneman, Executive Director of the United Nations Children's Fund, to make a statement on this occasion.

If there is no objection, I shall take it that it is the wish of the General Assembly, without setting a precedent, to invite Ms. Veneman to make a statement at this special commemorative meeting.

It was so decided.

The Acting President: I now give the floor to Mr. Aboubacar Ibrahim Abani, representative of Niger, who will speak on behalf of the Group of African States.

Mr. Abani (Niger) (*spoke in French*): It is a great honour for me to speak on behalf of the Group of African States to express our solidarity with UNICEF, which is celebrating its sixtieth anniversary. We believe this to be a very important event, and the culmination of 60 years of struggle on behalf of the rights of children to dignity, protection and well-being.

On this solemn occasion, I would like to express our appreciation and heartfelt congratulations to Ms. Ann Veneman, Executive Director of UNICEF, and her team for their ongoing determined efforts, which have made it possible for UNICEF to do excellent work. I would also like to take this opportunity to thank and pay tribute to Ms. Carol Bellamy for an entire decade of tireless efforts in the service of suffering children.

UNICEF was the first global organization for children. In the past six decades, UNICEF has made remarkable contributions to developing positions on a wide range of issues affecting children, especially as regards providing greater protection. In that connection, UNICEF has asserted that children have a right to education, health, dignity and protection from violence. Since 2001, UNICEF has quite rightly focused on five priority areas, namely, combating AIDS, vaccination, education for girls, infancy and, lastly, the protection of children in precarious situations.

Too often today, children are the first victims of any difficult situation. Their futures are threatened by the breakdown of the normal social order, which prevents them from attending school and accessing adequate medical care. The fundamental protection for civilians guaranteed by international humanitarian law should be respected, especially when it comes to children. We know that in today's world children are the first victims of hunger and of war — where they are sometimes used as soldiers. The scourge of recruiting children as soldiers should be eradicated from the world. How many young lives have been ruined by forced conscription and abduction, which robs children of their innocence and places them in direct contact with violence — and even making children the perpetrators of violence and murder?

There is a growing and clearer awareness today of the need to provide all the world's children with a good start in life. We welcome the recognition of the fact that ensuring such a beginning for every child is at the heart of all the efforts of UNICEF. Although much has been accomplished, there is still a long way to go.

In order to achieve the Millennium Development Goals, we must emphasize capacity-building in the poorest countries and consider ways to strengthen the coordination of the delivery of the assistance that has been agreed. Capacity-building makes it possible for individuals, organizations, social groups and communities as a whole to work more efficiently and in a more sustained manner. That is the way to ensure tangible sustained resources. Moreover, capacity-building has a more comprehensive objective: it enables local communities to extricate themselves from the vicious circle of dependence on external assistance.

Education is more than just learning. In many countries — especially in Africa — education serves as a life preserver, in particular for girls. For example, a girl without education runs a higher risk of becoming infected with HIV/AIDS. She will also encounter more

difficulties in keeping her family healthy. The education of girls is growing throughout the world. However, too many girls still receive no education, especially in urban areas. Numerous social and economic factors contribute to preventing girls from having access to schools. We must eradicate, or at least reduce, those factors as much as possible.

In the course of the past six decades, UNICEF has done an excellent job in carrying out its three-fold mission, namely, first of all, to raise awareness of the state of children and women around the world, especially in Africa; secondly, to work on their behalf and promote their rights among the public at large; and, lastly, to raise private funds.

Today's children are tomorrow's adults. That is the simple idea that we must apply in order that younger generations can receive the necessary attention and be protected from mistreatment and abuse, which will make them broken beings for the rest of their lives. Respecting the rights of children today is the sole way of guaranteeing human rights in the future. That is the meaning of UNICEF's mandate, with which Africa fully associates itself. UNICEF's record is real and appreciated. It has been possible thanks to the men and women who have served UNICEF as unambiguous promoters of the rights of children.

In this world of technology, we can certainly do more for our children than we are doing at the moment. There is little excuse for failing to establish a favourable environment in which all children can fully achieve their potential.

In conclusion, on behalf of Africa, I would once again like to thank and congratulate the men and women who have made UNICEF what it is today, including for their generous, courageous and noble efforts on behalf of the children of the world.

The Acting President: I now give the floor to Mr. Hamidon Ali, representative of Malaysia, who will speak on behalf of the Group of Asian States.

Mr. Hamidon (Malaysia): On behalf of the States members of the Asian Group, I am pleased to extend our heartfelt congratulations to the United Nations Children's Fund on the commemoration of its sixtieth anniversary.

Asia has always had strong and abiding relations with UNICEF. In the 1950s, when many of us had newly achieved independence, attention was focused on long-term preventive health care for our children. Efforts in that direction were largely successful, as clearly evident when the yaws disease, which was the world's bane in the 1950s, was successfully eradicated in Asia. That was a considerable achievement, given that more than half of the reported cases of that painful disease were found on our continent alone.

UNICEF's involvement in Asia has evolved since then, taking into account new challenges as well as modalities of cooperation. For example, UNICEF has contributed significantly towards mending the broken lives and spirits of the children left helpless from the waves of despair that hit the region in late 2004. The ray of hope that UNICEF has brought to all the children affected by the tsunami disaster has seen the affected children once more embracing life and moving on. UNICEF's "building back better" post-tsunami recovery plan in Aceh, Indonesia, for instance, is much welcomed. The call for more than 300 new schools to be built there over the next three years has made significant progress. We hope to see all children in the region back in school. There are many other similar examples in that regard.

Lately, we have seen UNICEF reaching out in more ways than its founders could have envisioned. The potential of media such as the Internet — and, recently, mobile phones — has enabled information to be diffused in a manner as never seen, nor imagined, before. While that development certainly poses new challenges, it has at the same time provided UNICEF and its membership an avenue to reach out to children the world over with useful and pertinent information aimed at improving their lives. UNICEF and its membership must therefore continue to work more closely together to harness potential resources such as those.

Once again, on behalf of the Asian Member States, I would like to congratulate the United Nation's Children Fund on 60 years of excellent work, and to assure it of our continued support in the years to come.

The Acting President: I now give the floor to Mr. Amir Muharemi, representative of Croatia, who will speak on behalf of the Group of Eastern European States.

Mr. Muharemi (Croatia): I have the honour to speak on behalf of the Eastern European Group. At the outset, allow me to express my sincere pleasure at

having been given an opportunity to speak at the sixtieth anniversary of UNICEF.

Let me start by thanking UNICEF in the name of the children of Eastern Europe, who have received help from UNICEF in times of dramatic political changes in that part of the world. Let me also thank UNICEF in the name of their parents, who were themselves children when they received the first-ever shipment of UNICEF emergency aid just after the Second World War.

By making a difference, UNICEF has directly applied the highest ideals of the United Nations. At the beginning of its activities in the region, UNICEF supplied millions of refugees with food and clothing, which saved the lives of many children. As years passed, UNICEF continued to improve children's lives by providing penicillin to hospitals and by accomplishing the eradication of polio in the region.

Not many people are aware that the first UNICEF national committee in Europe was established in the former Socialist Federal Republic of Yugoslavia in 1947. That was followed by the establishment of committees in other countries, including in Bulgaria and Romania. They raised money by selling UNICEF greeting cards, which are equally well known today as a very popular part of UNICEF's information campaigns and funding.

In many countries of the Eastern European region, UNICEF has helped people to maintain safe water sanitation in schools, especially in rural areas. It also began some of the first nutrition programmes in several countries of the region.

No other region of the world has recently gone through the kind of changes experienced by Eastern Europe. Political, economic and social systems have been transformed, some of them following armed conflict. Other countries are still experiencing difficult transition processes.

Unfortunately, children suffer too often in many ways. That is where the work of UNICEF makes a true difference in the everyday lives of children. Although children in most parts of the region no longer need emergency aid, the States of the Eastern European Group highly appreciate the role of UNICEF today. Since the primary needs of children are seen to by their respective Governments, UNICEF can now focus on the needs of specific, more vulnerable groups of children in the region as well as in the world, namely, the disabled, the poorest, those with HIV/AIDS, and victims of trafficking, especially girls.

We have all witnessed how much UNICEF has done for children over the past 60 years and how much it continues to do. UNICEF has helped children to survive, to have access to clean water, to get vaccinated, to stay healthy and to become educated. On many occasions, it has protected them from violence and exploitation.

We especially commend UNICEF's tireless, often dangerous work on behalf of children in armed conflict. Through its disarmament, demobilization and reintegration programmes, UNICEF has targeted around 300,000 child soldiers and helped them simply to become children again.

As many of us are finding ways to join donor countries of our region in helping children in need around the world, we remain aware that there is still a lot to be done for the sake of children and their rights. We, the Eastern European Group of States, remain committed to our children and to the work of UNICEF which we applaud today.

The Acting President: I now give the floor to the representative of Grenada, Ms. Ruth Elizabeth Rouse, to speak on behalf of the Latin American and Caribbean States.

Ms. Rouse (Grenada): I have the honour to speak on behalf of the Member States of the Latin American and Caribbean Group at this special commemorative meeting devoted to the sixtieth anniversary of the operations of the United Nations Children's Fund.

Since the adoption of resolution 57 (I) on 11 December 1946, which established the International Children's Emergency Fund, and resolution 802 (VIII) on 6 October 1953, which changed the name of the organization to what it is today, UNICEF has found innovative ways and means to carry out its mandate. Not only did UNICEF obtain the Nobel Peace Prize in 1965 but it has made significant achievements during these 60 years of operation. From an agency that began as a temporary experiment to provide humanitarian relief to children in the aftermath of the Second World War, through the struggles of the development decades, the silent emergency, the recognition of child rights and, today, keeping children at the heart of

development, we congratulate UNICEF on its historic achievements.

The Latin American and Caribbean Group of countries commends UNICEF for the assistance it has provided over the years since the establishment of its first office in the region in 1948. The infant mortality rate has decreased tremendously in many countries of the region, thanks to the unswerving support of UNICEF and its team of professionals. Our children are our future. Hence, we applaud UNICEF's efforts to better their condition through its funds and programmes.

Much work is left for the countries of the region to achieve the Millennium Development Goals (MDGs) by 2015, but with the continued support of UNICEF, many of the MDGs, particularly Goal 4, are attainable and the future does not look so bleak. The Latin American and Caribbean region has UNICEF offices in 24 countries, each of them developing important activities to promote and encourage constructive methods for enhancing the well-being and future of the region.

We commend UNICEF for its support for the Xchange Programme, which is gaining ground in many of the countries of the region. The programme aims to create a safe and protective environment for children and young people by helping them explore their creative side through dance, drama, music, sports and culture, exchanging negative attitudes of crime and violence for positive ones.

For 60 years, this organization has worked in many countries and territories, totalling today over 190 countries, in order to ensure the survival of children from childhood to adolescence. The countless stores of vaccines provided to developing countries, nutrition, water, sanitation, basic education and protective cover to children in fear of violence, exploitation and HIV/AIDS — all this is worthy of commendation. As Member States, we have a role to play in supporting the work of UNICEF, and in encouraging the involvement of the private sector in our respective countries.

The Member States of the Latin American and Caribbean Group take this opportunity to commend the staff of UNICEF and all contributors for their kind generosity over the years and look forward to their continued and increased support. For those who have given their lives in the service of the organization, we remember them and their families today. As was said of the late Patrick Macharia, the UNICEF staff member who lost his life in service to the organization only five days ago in Kenya, "He had a heart for children".

Congratulations, UNICEF, on a job well done. We wish the organization continued growth and success in the future.

The Acting President: I now give the floor to the representative of the Netherlands, Mr. Arjan Paul Hamburger, on behalf of the Group of Western European and Other States.

Mr. Hamburger (Netherlands): I have the honour to speak on behalf of the Group of Western European and Other States, on behalf of which the Netherlands currently serves as Vice-President of the UNICEF Executive Board.

UNICEF, let us recall, was founded to address the needs of the children affected by the devastation of the Second World War. European children faced famine and disease. It was calculated that in Europe in 1947 the number of needy children amounted to 20 million. UNICEF hastened to help by providing food, clothing and health care. An international relief campaign for children of this magnitude had never been seen before. Maurice Pate, UNICEF's first Executive Director, made it a condition of his service that UNICEF would provide equal support to those in both vanquished and victorious countries.

Sixty years have passed since then. In that time, the work of UNICEF has become indispensable for the world's children. In the same room that brings us together today the Declaration of the Rights of the Child was adopted in 1959. In 1965, UNICEF received the Nobel Peace Prize. On accepting the prize, Henry Labouisse, then Executive Director of UNICEF, asked the following:

> "... is our society doing, or failing to do, all that is possible to equip our children with the weapons for peace? When our children grow up, will they have trained and informed minds, liberated from the old prejudices and hatreds? Will they trust their own civilization? Will they be prepared to trust and understand others"?

It is by answering these questions 40 years later that UNICEF continues to draw attention to those least able to defend themselves, not only by providing aid but also by giving them a voice. During the General

Assembly special session on children, young people from all Member States addressed the challenges and problems they faced. UNICEF's achievements in the past 60 years stand out for their universality and focus on the neediest and most neglected children.

We are especially glad to commemorate UNICEF since its history is so closely linked to our prosperity. It is the best example that shows that the future belongs to children. Sixty years ago, European children needed UNICEF. With the help of many Member States, UNICEF came to their rescue. Both contributions in kind, such as a large shipment of cod liver oil by the Government of Norway — which, by the way, brings back to me some bad childhood memories — and cash were provided by many Western nations. The war-affected children of Europe have now grown up to assist UNICEF in giving aid to millions of others. The people and Governments of the European and other members of our Group still provide the bulk of UNICEF's funding. We are committed to continuing that support and are proud to do so.

While commemorating the past and the successes achieved, we should also look ahead. UNICEF's work is of relevance to practically all of the Millennium Development Goals (MDGs). In putting the MDGs at the centre of its work, UNICEF can be a key factor in achieving them. Through its largely field-based operations, UNICEF has a unique and global presence. UNICEF's field staff are its principal ambassadors, and they deserve special mention today.

Looking ahead means learning from the past. We encourage the initiatives that are being taken to make the United Nations more coherent and efficient in order to achieve the Millennium Development Goals. UNICEF's success in the field is closely linked to partnerships with Governments, civil society and other United Nations entities. We know that UNICEF will continue its vital work through those partnerships, for the benefit of all the children of the world.

On behalf of our whole Group, I wish to conclude by warmly congratulating Executive Director Ann Veneman, her predecessors and all of UNICEF on its enormous achievements. We wish UNICEF every success in the future, especially in helping to achieve the Millennium Development Goals.

The Acting President: I now give the floor to Mr. Richard Miller, representative of the United States, who will speak on behalf of the host country.

Mr. Miller (United States of America): I am delighted to participate today in this celebration of the sixtieth anniversary of the United Nations Children's Fund (UNICEF).

Like many others in this Hall, I grew up along with UNICEF. As a young boy in Texas, on Halloween, when I was not asking for candy, I would go door to door, trick-or-treating for UNICEF. I actually learned very quickly that if you trick-or-treated for UNICEF, people would make a contribution and then give you the candy too. Collecting those nickels and dimes, I believed that UNICEF was one of our best hopes for the future. Today, thanks to the efforts of thousands of dedicated men and women, I still do.

For the people of the United States and for millions around the world, UNICEF is the United Nations organization that is most widely known and most universally admired. The outcomes of UNICEF's work are well known: lower child mortality, improved nutrition and health for children and mothers, reduction in disease, improved sanitation, better education for children and greater overall effectiveness in emergency situations. Even as we speak here today, around the world, UNICEF is providing relief to children in need and saving lives.

I am proud that the United States is the leading contributor to UNICEF. UNICEF is a very special organization. In a world where conflict is too often the norm, nothing brings us together like the welfare of our children. If we put children first, as UNICEF so often tells us to do, we will go a long way towards realizing our hopes and dreams for the future.

The Acting President: I now give the floor to Mr. Andrei Dapkiunas, representative of Belarus and President of the Executive Board of UNICEF.

Mr. Dapkiunas (Belarus): I have a confession to make: when it comes to UNICEF, I am hopelessly biased. As much as I appreciate the value of an impartial approach to the things that we deal with in the United Nations, I am happy to be utterly partial towards one of the greatest ideas, creations and accomplishments of the United Nations — ever.

I recall my first encounter with UNICEF. I was a young kid back then, and I saw a beautiful UNICEF postcard for the first time. But for many millions of children worldwide, the first encounters with UNICEF are less serene and far more consequential. For them,

UNICEF comes as a saviour; for them, UNICEF comes as a lifeline.

That lifeline was started by a decision of the General Assembly, taken 60 years ago. It is kept alive and strong by the caring attitude of big and smaller Government donors, thousands of private-sector contributors and individual good samaritans who selflessly give to save our future: our children.

As members of the General Assembly, to do justice to the major Government contributors whose support is essential in enabling UNICEF to effectively fulfil its honourable mandate, we might recall them today: the United States, Sweden, Norway, the Netherlands, the United Kingdom, Denmark, Japan, Finland, Italy, France, Switzerland, Ireland and Canada, to name just a few.

As Government representatives, we should explore every possibility of widening the circle of faithful Government contributors to UNICEF's resources. For UNICEF, no contribution is too small. And, as the emotions of the heart are no less important in the work of UNICEF than the calculations of the mind, please do not disregard the power of participating as a donor in the work of the Fund, no matter how insignificant or symbolic one's contribution might seem.

At this meeting, I have the honour to represent a collective governing body of UNICEF, the Executive Board. Much more than a body of simple bureaucratic oversight, the Board has acted for years as a unique and indispensable link between the greater General Assembly membership and the Fund.

I could say that vibrant and principled engagement and cooperation between the members of the Board and the Fund's management are among the key prerequisites for UNICEF's success. There is a continuous search within the Executive Board for better and best practices, sensible innovations and livelier procedures.

This year, among other things, we managed to organize an open, informal dialogue on the interrelated problems of children in countries of Latin America and the Caribbean and countries of Central and Eastern Europe and the Commonwealth of Independent States. Many delegations found that experiment to be successful, and we decided to continue it. I am glad to note that, during the first regular session of the Board, in 2007, a special focus will be given to the problems of the children of Africa.

Today, UNICEF is in good shape. Organizationally, logistically and in terms of the quality of the potential of its personnel, the Fund is fit to accomplish tasks of the utmost difficulty and complexity.

Both at its headquarters and in the field, UNICEF boldly and responsibly assumes the leading role among its partners when that is called for by the challenges of war, hunger and deprivation. Part of it comes with the name. But the bigger part comes with the strenuous and dedicated work of UNICEF staff.

The vision, energy and sense of purpose of Executive Director Ann Veneman are important factors that provide for greater cohesiveness of the work of the Fund and draw much well-deserved attention to its record, its methods and its experience of successful work.

On behalf of the Board, I would like to convey to all personnel of UNICEF our heartfelt congratulations and our wishes for every success in its important work. We will always be with the Fund — once with UNICEF, always with UNICEF. The Fund is truly a lifelong commitment. And let us keep it that way.

The Acting President: In accordance with a decision taken earlier, and without setting a precedent, I now give the floor to the Executive Director of the United Nations Children's Fund, Ms. Ann Veneman.

Ms. Veneman (United Nations Children's Fund): It is a great pleasure to be here today as we mark the sixtieth anniversary of UNICEF and look to the future with hope and renewed energy in support of the world's children.

I appreciate so much everyone who has played a key part in the life of UNICEF, many of whom are here today. I would first like to thank our Executive Board President for his outstanding remarks this morning as well as for his leadership throughout the past year, as we have moved the work of UNICEF along. I also offer many thanks to all Executive Board members who are here today.

I especially want to thank and welcome here today my predecessor, Ms. Carol Bellamy, who has worked throughout the years tirelessly on behalf of children. We are also pleased to have with us today the

very talented UNICEF Goodwill Ambassador, Vanessa Redgrave, and her son, Carlo Nero.

I would like to express many thanks to the Secretary-General, all of UNICEF's Goodwill Ambassadors, the National Committees, UNICEF staff and our many partners from around the world for their dedication, their commitment and their hard work on behalf of children.

I offer a very special thank you to someone the Assembly will hear from in a few minutes — 17-year-old Dolly Akter from Bangladesh, who has travelled all the way to New York to share her story with us. She is leading by example in showing the positive impact of empowering girls, especially through education.

We are here today to both celebrate the many accomplishments gained over the past 60 years and to build on the momentum of these successes while acknowledging that much more needs to be done to advance and protect the rights of children. The photographs and images we have seen in the film shown earlier today provide a powerful snapshot of the very personal and often painful stories behind the faces of the children.

UNICEF began in 1946 in the aftermath of the Second World War, working primarily in Europe and Japan to deliver emergency assistance to children in need. Over the years, UNICEF's work has expanded to include millions of children around the world, from Africa to Latin America, whose lives are affected by poverty, disease, conflict and emergencies. The world has seen more gains against poverty and more progress for children in the last 60 years than it saw in the previous 500.

Between 1960 and 2004, the mortality rates in developing countries for children under 5 years of age decreased on average from 222 deaths per 1,000 live births to 87 deaths per 1,000 live births. In the 1980s, the average rate of child immunization in most developing countries was between 10 and 20 per cent. Today, immunization with routine vaccines has reached more than 70 per cent of children worldwide. The world is now free of smallpox, the first major human disease to be eradicated. Where polio was once epidemic, extraordinary progress has been made and today some 175 countries are polio-free.

An estimated 1 billion more people have access to safe water today than in 1990. More children are in school now than ever before and disparities in enrolment between boys and girls are narrowing in most parts of the world. An estimated 70 per cent of all households in the developing world now consume iodized salt, which keeps millions of children safe from the risk of mental disability due to iodine deficiency.

The gender divide has narrowed around the world, with women gaining more power in the home, the workplace and the political sphere, which translates into gains for children. Healthy, educated mothers are more likely to have healthy, educated children who can lead productive lives and help accelerate development in their communities and in their countries.

But much remains to be done. We still live in a world in which more than 2 billion people live on $2 a day or less. We live in a world in which over 10 million children under the age of five die every year of causes that are largely preventable, such as disease and malnutrition. We live in a world in which natural disasters, exploitation, famine and hunger continue to undermine peace and stability. We live in a world where every minute, nine more people become HIV-positive, at least one of whom is a child under the age of 15.

Throughout my travels for UNICEF, I have witnessed many of the children's faces behind these numbers. I have met children who survived the genocide in Rwanda and learned of women who were targeted for rape by soldiers with HIV. I have visited with victims just days after the earthquake in Pakistan where hundreds of children died when their schools collapsed. I have seen mothers and babies in Malawi and other countries in Southern Africa who are dying of AIDS. I have spoken with children who were orphaned by the tsunami in India and Sri Lanka. I have met girls and women sold into brothels for someone else's gain and I have spoken with a 12-year-old orphan girl in the Democratic Republic of the Congo who was brutally raped by four men in an area where rape is used as a weapon of war.

These children, and millions like them, are the boys and girls who depend on our collective action. Children are at the heart of the Millennium Development Goals, from eradicating extreme poverty and hunger to achieving universal primary education and gender equality, to reducing child and maternal mortality and combating HIV/AIDS, malaria and other diseases, to ensuring environmental sustainability,

including clean water and sanitation, and developing a global partnership for development.

One woman who worked tirelessly to improve the lives of girls and boys around the world was UNICEF's Goodwill Ambassador, Audrey Hepburn. As a young girl, Ms. Hepburn herself received food and medical relief from UNICEF following the Second World War. Later in life, as a UNICEF Goodwill Ambassador, Ms. Hepburn travelled throughout the world, from Latin America to Africa to Asia, touching the lives of millions of children through her work. She said, "I speak for those children who cannot speak for themselves, children who have absolutely nothing but their courage and their smiles, their wits and their dreams".

This sixtieth anniversary is a time to look back and to celebrate all that has been accomplished, and to recognize UNICEF's tremendous work on behalf of children. But it is also a time to acknowledge, as George Bernard Shaw said, that "we become wise not by remembering the past but by taking responsibility for the future". So, as we mark our sixtieth anniversary, we look to the future and to creating a collective will to improve the lives of children all around the world. Again, to use Ms. Hepburn's words, "there is no deficit in human resources ... only a deficit in human will".

The Acting President: We have heard the last speaker for the special commemorative meeting of the Assembly devoted to the sixtieth anniversary of the operations of the United Nations Children's Fund.

The General Assembly has thus concluded its special commemorative meeting devoted to the sixtieth anniversary of the operations of the United Nations Children's Fund and this stage of its consideration of agenda item 58.

Before adjourning the meeting, I would like to invite delegates to remain seated, as immediately following the adjournment of this meeting, there will be an informal segment to hear a statement by a youth representative of Bangladesh.

The meeting rose at 11.15 a.m.

United Nations A/61/PV.71

General Assembly
Sixty-first session

Official Records

71st plenary meeting
Friday, 8 December 2006, 11.25 a.m.
New York

President: Ms. Al-Khalifa ..... (Bahrain)

In the absence of the President, Mrs. Mladineo (Croatia), Vice-President, took the Chair.

The meeting was called to order at 11.25 a.m.

Agenda item 71 (*continued*)

Oceans and the law of the sea

(a) Oceans and the law of the sea

Report of the Secretary-General (A/61/63 and A/61/63/Add.1)

Report of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (A/61/65)

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its seventh meeting (A/61/156)

Draft resolution (A/61/L.30)

(b) Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Report of the Secretary-General (A/61/154)

Draft resolution (A/61/L.38)

The Acting President: I should like to remind speakers that the General Assembly, in its resolution 51/241 of 31 July 1997 decided that, outside the general debate, there shall be a 15-minute limit for speakers in plenary and in the Main Committees.

It is my intention to hear the remaining speakers in the debate and to take action on draft resolution A/61/L.38 this morning. I would therefore like to appeal to speakers to adhere to the 15-minute time limit, given that we still have several speakers in explanation of vote.

I should like to inform members that action on draft resolution A/61/L.30 is postponed to a later date to allow time for the review of its programme budget implications by the Fifth Committee. The Assembly will take action on the draft resolution as soon as the report of the Fifth Committee on its programme budget implications is available.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): The Russian Federation attaches high priority to the development of international law of the sea and to the discussion of maritime issues by the General Assembly.

We express our appreciation to the Secretary-General for the comprehensive reports he has prepared in 2006 on the law of the sea and on sustainable fisheries. As in past years, the reports contain much useful information and provide a good basis for a comprehensive analysis of the current situation and the

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determination of essential future tasks in ensuring respect for the rights and interests of States, the protection of the marine environment, and the conservation of vulnerable maritime ecosystems.

The major instrument for ensuring effective inter-State cooperation in the global oceans system is the 1982 United Nations Convention on the Law of the Sea (UNCLOS). The Russian Federation advocates the preservation of its integrity, the implementation of Convention rights and freedoms, and compliance by States with their obligations under that instrument of international law. Among the most important of those are freedom of the high seas, the right of transit passage through straits used for international shipping, the right of innocent passage, the right to fish on the high seas and others.

We call on States, including coastal States, fully to meet their obligations under the aforementioned rights and freedoms and in strict compliance with the Convention. In that regard, we note that the rules and laws enacted by straits-bordering States should not allow discrimination in form or in substance among foreign vessels, and their implementation must not in practice amount to infringement of the right of passage.

We note in particular the role of the 1982 instrument in the maintenance of peace and security and the peaceful use of maritime space. We call on States that have not yet done so to become parties to UNCLOS.

The Russian Federation attaches great significance to the operation of bodies established under the Convention, in particular the International Seabed Authority, the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea.

There are serious and weighty questions on the current agenda of the International Seabed Authority, the resolution of which will require ongoing attention and significant resources. In that regard, we continue to believe that the Authority should not be assigned any additional workload in the protection of the biological resources of the Area.

The work of the Commission on the Limits of the Continental Shelf grows more active every year, given the rising number of applications submitted by States for the delimitation of their continental shelf beyond 200 nautical miles. We believe that its activities must be in strict compliance with the mandates and procedures established by the relevant provisions of the 1982 Convention.

We call attention to the important role of the International Tribunal for the Law of the Sea in settling disputes over the interpretation or application of the Convention.

I turn now to the issue of ensuring sustainable fisheries. We note the efforts of the international community to combat illegal, unregulated and unreported fishing. We believe it necessary to strengthen the genuine link between flag States and their vessels. We are pleased to recognize the work of the International Maritime Organization in that regard.

In the area of destructive fishing practices, the greatest responsibility for resolving that problem lies with regional fisheries management organizations and States whose vessels are engaged in such practices. We call on countries to cooperate in establishing new regional fisheries management organizations and in increasing the effectiveness of those already in operation. In that context, we note once again the exceptional importance of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

Lastly, we would draw attention to law of the seas activities planned for 2007. In the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, we need to focus on marine genetic resources. We hope that such work will teach us more about resources that are insufficiently understood and the options for their utilization.

In connection with the upcoming annual meeting of States parties to UNCLOS, we wish once again to focus attention on the importance of maintaining the current mandate of that forum to resolve administrative and budgetary issues concerning the operation of the bodies established under the Convention. In particular, next year we will elect new members of the Commission on the Limits of the Continental Shelf and face the serious task of maintaining the Commission's current level of professionalism and of ensuring that it works smoothly.

In conclusion, we wish to offer our support for both draft resolutions to be adopted under this item, and to thank coordinators Holly Koehler and Carlos Duarte for their efforts in developing those important documents. We also thank the Division for Ocean Affairs and the Law of the Sea and its chief, Mr. Vladimir Golitsyn, for their capable assistance in developing the drafts.

The Acting President: In accordance with General Assembly resolution 54/195 of 17 December 1999, I now call on the observer for the International Union for the Conservation of Nature and Natural Resources.

Mr. Cohen (International Union for the Conservation of Nature and Natural Resources): The International Union for the Conservation of Nature and Natural Resources (IUCN) remains concerned about the state of the oceans today. As a conservation organization, we recognize the importance of healthy fish stocks, which provide an important source of protein, particularly in developing countries. We support measures to ensure the conservation and sustainable and equitable use of all marine living resources. It is for that reason that we believe that the research and the science should be done first, and only if there is evidence that potentially destructive practices will not harm vulnerable marine ecosystems should the activity be allowed to proceed. It is important to consider how to further develop tools for precautionary and ecosystem-based management.

The Secretary-General, in his report earlier this year on the impact of fishing on vulnerable marine ecosystems, noted that once seemingly inaccessible deep sea areas, such as seamounts and submarine canyons, were now being affected by fishing activities. The report goes on to note that "it is believed that about 95 per cent of the damage inflicted on deep-water systems associated with seamounts results from bottom-trawling" (*A/60/189, para. 122*). In 2004 in Bangkok, IUCN's highest body — the World Conservation Congress — adopted a resolution calling for an interim prohibition on high seas bottom trawling until such time as effective conservation and management measures were in place to protect the deep sea environment in accordance with international law.

My delegation welcomes language in the sustainable fisheries draft resolution calling for action by regional fisheries management organizations (RFMOs) with competence to regulate bottom fisheries to adopt and implement measures on the basis of the best available scientific information and in accordance with the precautionary and ecosystem approaches. My delegation welcomes the call for a closure to bottom fishing of areas where vulnerable marine ecosystems are known or are likely to occur unless conservation and management measures have been adopted to prevent adverse impacts on them.

However, for areas outside of RFMOs, including where RFMOs are under negotiation, my delegation regrets that an immediate interim prohibition on bottom trawling was not adopted, as there remains no mechanism to ensure effective conservation and management measures for vulnerable deep-sea ecosystems. My delegation hopes that States will adopt interim measures to prevent potential further damage at the first opportunity. As RFMOs are the mechanism through which many high seas fisheries are regulated, we note their importance and support efforts to modernize their mandates, mechanisms and methods where these no longer meet modern standards. We welcome steps by RFMOs to ensure that their decision-making processes are fair, transparent and based on the best available scientific advice. In that regard, we note with concern that the advice of scientists is not always heeded when catch limits are adopted. That must change. We welcome steps by RFMOs to conduct performance reviews based on objective criteria and look forward to the report next year of an independent high-level panel of experts that is developing a model of best practices to improve governance by RFMOs. We encourage RFMOs and States to adopt further area closures where appropriate and to refine and extend the tool of marine protected areas as a means to promote the conservation and sustainable use of marine resources beyond national jurisdiction. We commend the efforts made by the Food and Agriculture Organization of the United Nations (FAO) in this respect vis-à-vis fisheries management.

My delegation underscores the importance of language in the sustainable fisheries draft resolution urging States to exercise effective control over their nationals, including beneficial owners, and vessels flying their flag in order to prevent and deter illegal, unreported and unregulated (IUU) fishing.

Turning to work undertaken with respect to marine genetic resources, my delegation welcomes the

decision to focus the discussion in 2007 in UNCLOS on this topic. We also welcome the decision to reconvene the Open-ended Working Group to study issues related to marine biodiversity in areas beyond national jurisdiction in 2008 and to include genetic resources among the issues to be discussed. We hope that those meetings will lead to a common understanding of the steps necessary to enhance human knowledge about these areas, conserve the integrity and diversity of nature, and ensure that any use of natural resources is equitable and ecologically sustainable and contributes to human well-being.

My delegation also welcomes the entry into force this year of the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter — the London Convention. In that regard, we are aware of work with respect to sub-seabed geological sequestration of carbon dioxide in a manner safe for the marine environment as a possible measure to mitigate the harmful effects of increased carbon dioxide in the Earth's atmosphere. While such direct sequestration would be subject to guidance and assessment procedures as described in annexes to the London Convention and the Protocol, we call attention to a possible interest to sequester carbon through iron fertilization of the open ocean. IUCN considers that before any such large-scale fertilization takes place, environmental impact assessments should be conducted to examine the likely outcomes and effects of such activities, including whether iron fertilization would actually sequester carbon dioxide on a long-term basis -that is, in geological time — and whether such fertilization would have any harmful effects on regional ocean chemistry, including on pH levels, water clarity or marine biodiversity. We note with concern that the oceans are becoming less alkaline, which may cause harm to corals, molluscs and other living resources that depend on calcium available in ocean waters.

Finally, we note the welcoming in the oceans and law of the sea omnibus draft resolution of the publication of *The Status of Coral Reefs in Tsunami Affected Countries: 2005*, published by the Global Coral Reef Monitoring Network, of which IUCN is a sponsor and supporter, and we call attention to another joint publication this year — *A Reef Manager's Guide to Coral Bleaching* — which provides strategies to assist managers as they respond to coral- bleaching events.

In closing, I thank all States and all organizations as well as the Secretariat, in particular the staff of the Division for Ocean Affairs and the Law of the Sea, for their efforts during the past year to protect the world's oceans.

The Acting President: In accordance with General Assembly resolution 51/6 of 24 October 1996, I now call on Mr. Satya Nandan, Secretary-General of the International Seabed Authority.

Mr. Nandan (International Seabed Authority): I wish to record my appreciation for the Secretary-General's report on oceans and the law of the sea and for the report on sustainable fisheries. As usual, these reports provide a comprehensive account of recent developments in the law of the sea, and, together with the report on the work of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, serve as essential background for the consideration by the General Assembly of agenda item 71 on oceans and the law of the sea. I would like to compliment the secretariat of the Division for Ocean Affairs and the Law of the Sea for having prepared these reports.

I wish also to thank the Division's secretariat for its close cooperation with the Authority in areas of mutual interest. I especially wish to express my gratitude for the cooperation, assistance and friendship to the Division's Director, Mr. Vladimir Golitsyn, as he prepares for his retirement. I would also like to express my appreciation to the coordinators of the two draft resolutions before the Assembly, Minister Carlos Duarte of Brazil and Ms. Holly Koehler of the United States, for their outstanding work. I am particularly grateful for the references to matters relating to the International Seabed Authority in parts V and VI of the draft resolution contained in document A/61/L.30.

Since the sixtieth session of the General Assembly, the International Seabed Authority has held its twelfth session, at its headquarters in Kingston, Jamaica. During that session, the Authority elected one half of its Council members for a four-year term. It elected 15 members of the Finance Committee and 25 members of the Legal and Technical Commission. On the substantive aspects of its work, the Council of the Authority continued to consider the draft regulations for Prospecting and Exploration of Polymetallic Sulphides and Cobalt-Rich Ferromanganese Crusts in the international seabed area, which it had begun to

consider at the previous session. In response to its request to the secretariat at its previous session, the Council had before it a detailed analysis and elaborations on a number of issues in the draft regulations. In responding to that request, the secretariat had convened a workshop in 2006 specifically designed to address some of the technical issues which needed to be further elaborated on. Following a discussion of the draft regulations, the Council requested the Secretariat to present, at its thirteenth session, a revised draft on polymetallic sulphides, taking into account the outcomes of the technical workshop and the discussions in the Council during the twelfth session. The Council decided to give priority to the regulations on polymetallic sulphides in 2007. The regulations concerning cobalt-rich crusts will be considered in a separate set of regulations following the completion of the regulations on polymetallic sulphides.

With the increase in our knowledge of deep-sea marine mineral resources, there is growing recognition that such deposits are associated with specific faunas. It is also acknowledged that, for the purposes of protecting and preserving the natural resources of the Area and preventing damage to the flora and fauna of the marine environment, additional knowledge must be acquired on the faunal species for which these deposits provide habitats. Such knowledge can best be developed through the use of standardized taxonomy for species identification and through the acquisition of data and information on the distribution of faunal species in and around the deposits.

Accordingly, the Authority's first workshop in March 2006 was on cobalt-rich ferromanganese crusts deposits and the diversity and distribution patterns of seamount fauna. Its purposes were to assess patterns of diversity and endemism of seamount fauna, including the factors that drive those patterns, to examine gaps in the current knowledge of those patterns with a view to encouraging collaborative research to address them, and to provide the Legal and Technical Commission with recommendations to assist it in developing environmental guidelines for future contractors.

The second workshop, on the technical and economic considerations for mining cobalt-rich ferromanganese crusts and polymetallic sulphides deposits of the International Seabed Area, was convened in August 2006 to address some of the issues that had been raised by the Council in its consideration of the draft regulations. It provided an opportunity for experts to outline the steps that may be taken by potential miners in their effort to identify commercial deposits of cobalt-rich ferromanganese crusts and polymetallic sulphides deposits in the Area; possible criteria for lease block selection under the draft regulations for the two types of deposits; and technological issues associated with developing both mineral resources. They considered the supply of and demand for the metals of commercial interest in those deposits, which contain cobalt, nickel, manganese, copper, lead, zinc, silver and gold, and the outlook for those metals, in particular the demand for them in the fast-growing economy of the People's Republic of China in the short, medium and long term. Experts also considered a cost comparison of the implementation of environmental regulations for a polymetallic sulphides mining operation in the Area and a comparable land-based mining operation for one or more of the same metals, and hypothetical mines of cobalt-rich ferromanganese crusts and polymetallic sulphides in the Area. The proceedings of those workshops are currently being prepared for publication by the Authority.

Interest in the mineral resources of the deep seabed currently revolves around three types of deposits. The early interest of prospective miners was in polymetallic nodules. These potato-shaped objects contain nickel, copper, cobalt and manganese. More recently, since the discovery of two other types of deposits — namely, polymetallic sulphides and cobalt-rich ferromanganese crusts — there has been considerable interest in mining these resources. Polymetallic sulphides, also known as massive sulphides, contain a range of metals that include copper, iron, gold, zinc and silver. Cobalt-rich ferromanganese crusts contain, inter alia, cobalt, iron, manganese, nickel, platinum and titanium.

With regard to polymetallic nodules, the pace of the development of these resources has been slow. The Authority has issued exploration licenses to eight entities, all of them State-supported. It has always been my belief that until the private sector gets involved, the prospects for commercial mining of minerals from the deep seabed will remain uncertain. The two main inhibiting factors for commercial mining have been the lack of development of mining technology and the price of metals. For commercial mining purposes, the two are interrelated.

The rising demand for metals in emerging economies in recent years has altered the economic environment considerably. It has caused metal prices to surge. According to *The Economist* magazine of 10 September 2006,

> "The prices of both oil and metal have roughly tripled since 2002 ... The past few years have seen the sharpest rise in commodity prices in modern history, with metal prices in real terms gaining twice as much as the booms of 1970s and 1980s."

It is therefore not surprising that the private sector has begun to show interest in marine mineral deposits. In that respect, recent developments in the exploration for and exploitation of polymetallic sulphides have been most promising. In 1997, Nautilus Minerals Inc., a private company, obtained exploration licenses for polymetallic sulphides in Papua New Guinea's waters. After extensive surveys to locate suitable deposits, the company went public in the past few months and has been able to attract partnerships and financing from some of the largest land-based mining companies in the world, such as Barrick Gold Corporation, the leading producer of gold in the world; the Metalloinvest Group, Russia's largest iron ore producer and its fifth largest steel producer; Anglo American PLC, the world's leading producer of platinum and diamonds and a significant producer of gold and iron ore; and Teck Cominco Limited, a world leader in the production of zinc, copper and coal. Nautilus has also secured the services of the Belgium-based Jan De Nul Group, one of the world's leading international dredging companies, to construct a specialized deep-sea mining vessel for its mining operations. The 191-metre vessel, to be named the *Jules Verne*, is expected to be completed in 2009 in order to meet Nautilus's target date for the commencement of commercial production.

If indeed Nautilus and its partners are successful, the effect will be revolutionary in terms of seabed mining and the world's mineral resource base. Although the world's first mining operation on the seafloor is most likely to take place in the national jurisdiction of a State, it is nevertheless an exciting prospect for the Authority. The technology developed for the operation and the experience gained in deep seafloor mining can also be applied in the international seabed area, where most of the seafloor deposits are to be found. The Authority has monitored the development of Nautilus closely, and its personnel and principals participate in workshops and seminars of the Authority.

An important mandate of the Authority is to promote marine scientific research in the international area and to provide opportunities for developing-country scientists to participate in such activities. In order to be able to effectively discharge that responsibility, the Assembly of the Authority, at its twelfth session, adopted a resolution establishing an endowment fund for marine scientific research in the Area from the exploration fees paid to the Authority by contractors for polymetallic nodule deposits. The purpose of the endowment fund is to facilitate the participation of qualified scientists from developing countries, who do not otherwise have the opportunity to participate in research activities in the Area conducted by international scientists and contractors of the Authority. The knowledge and experience gained will assist developing countries in scientific research activities and in the management of marine areas under their jurisdiction.

I would like to take this opportunity to express my appreciation to members of the Authority who have contributed to the voluntary trust fund in order to enable developing-country members of the Legal and Technical Commission and the Finance Committee to participate in the work of those two important bodies. It is gratifying to note that the contributions made to this fund have come from developed and developing countries. I appeal to those who have not yet contributed to consider doing so, as full participation in the institutions of the Authority is a factor in its effective operation.

One of the difficulties that the Authority continues to encounter is the lack of adequate participation of its members in its annual sessions. At the Authority's twelfth session, there was considerable discussion on this matter and an appeal was made to delegations to participate in the annual sessions of the Authority.

A proposal was made that the appeal be specially focused on landlocked countries, since they were the largest group of absentees and might not fully realize the relevance to themselves of ocean and seabed issues, particularly with regard to the international seabed area and its resources, which are the common heritage of mankind and from which all States, coastal and

landlocked alike, are to benefit. The Authority is currently developing rules and regulations for mining which will have a long-term effect on the system for deep seabed mining, including the potential proceeds from such activities.

I therefore appeal to all member States of the Authority to attend its annual sessions and participate fully in its work, as that is an obligation that stems from being a party to the Convention. Attendance at meetings is a matter of serious concern as it affects the quorum for meetings of the Assembly of the Authority. I am pleased that the issue of attendance is addressed in part VI, paragraph 32 of the draft resolution contained in document A/61/L.30. The next session of the Authority will be held from 9 to 20 July 2007.

Finally, as Chairman of the United Nations Conference that adopted the 1995 Fish Stocks Agreement, I would like to express my satisfaction at the outcome of the Review Conference held earlier this year. The purpose of the Review Conference, in accordance with the terms of the Agreement, was to assess the effectiveness and adequacy of the provisions of the Agreement and, if necessary, to propose means for strengthening the substance and methods of implementation in order to better address any continuing problems in the conservation and management of straddling fish stocks and highly migratory fish stocks.

The Review Conference has come up with proposals for a comprehensive set of measures that, if implemented, would go a long way towards strengthening the provisions of the Agreement and ensuring its better implementation. In draft resolution A/61/L.38, the General Assembly would endorse these proposals.

The efficacy of these proposals, however, lies in their full and faithful implementation at regional and national levels. It is therefore the responsibility of all States, but especially members of regional fisheries management organizations, to give effect to these measures through their organizations and also at national levels. I hope it will be possible for the Secretary-General to report to the General Assembly in due course on the progress made at regional and national levels in the implementation of the important and urgent measures contained in the proposals.

The Acting President: In accordance with General Assembly resolution 51/204 of 17 December 1996, I now call on Mr. Rüdiger Wolfrum, President of the International Tribunal for the Law of the Sea.

Mr. Wolfrum (International Tribunal for the Law of the Sea): It is an honour for me to address the sixty-first session of the General Assembly on the occasion of its annual examination of the agenda item entitled "Oceans and the law of the sea". As is the practice, I would like to report on the developments which have taken place with respect to the Tribunal since the last meeting of the General Assembly. I will then make general comments on the work and the jurisdiction of the Tribunal.

With regard to organizational matters, on 19 September 2006, the Tribunal re-elected Mr. Philippe Gautier as its Registrar for a term of five years.

The Tribunal's twenty-first and twenty-second sessions were devoted essentially to legal matters. In particular, consideration was given to the competence of the Tribunal in maritime delimitation cases. Disputes relating to maritime boundaries are, as a general rule, to be considered disputes concerning the interpretation and application of the Convention in accordance with article 288 of the instrument. Under article 298, States parties may, however, exclude certain maritime delimitation disputes from compulsory dispute settlement. If a State has made such a declaration, it will be bound to refer the sea-boundary dispute to compulsory conciliation if the conditions for such conciliation are met.

Such conditions are peculiar to the compulsory conciliation procedure. They do not — and I emphasize this point — apply to adjudication by the Tribunal, the International Court of Justice or arbitration. This aspect is of relevance regarding so-called "mixed" delimitation cases, namely, cases in which a maritime dispute involves the concurrent consideration of an unsettled dispute concerning sovereignty or other rights over continental or insular land territory.

The competence of the Tribunal, or any other court or tribunal under Part XV of the Convention, to deal with the main claim concerning maritime delimitation includes the associated question of delimitation over land or islands.

Maritime boundaries cannot be determined in isolation without reference to territory. Moreover, several provisions of the Convention deal with issues

of sovereignty and the interrelation between land and sea. Accordingly, issues of sovereignty or other rights over continental or insular land territory, which are closely linked or ancillary to maritime delimitation, are concerned with the interpretation or application of the Convention and therefore are covered by the jurisdiction of the Tribunal under article 288 of the Convention.

Parties to a dispute on issues of maritime delimitation may at any time agree to submit the dispute to the Tribunal through a special agreement whereby parties can also overcome any limitations or exceptions to compulsory jurisdiction since nothing prevents them from submitting to the Tribunal any maritime delimitation case involving issues regarding land boundaries or cases involving disputed sovereignty over islands.

Regarding the judicial work of the Tribunal, I would like to mention that the Special Chamber of the Tribunal, formed to deal with a dispute between Chile and the European Community concerning the conservation and sustainable exploitation of swordfish stocks, met on 28 and 29 December 2005 to consider the request of the parties for a further postponement of the time limits in the proceedings before it. On the basis of the information provided by the parties, the Special Chamber, by its Order of 29 December 2005, extended the time limit for making preliminary objections to 1 January 2008.

I would like to point out that the system of ad hoc chambers, which was used for the first time by Chile and the European Community, is a flexible mechanism that combines the advantages of a permanent court with those of an arbitral body. The parties have control over the chamber's composition, as they may choose any of the 21 judges who are to sit in the chamber and may also appoint judges ad hoc. A judgment given by any of the chambers is considered as rendered by the Tribunal.

A further advantage is that the parties have at their disposal the rules of the Tribunal, which allow the case to be processed swiftly. The parties have a certain degree of flexibility in that they may propose modifications or additions to the rules. It is evident that the ad hoc chambers constitute an interesting and, in particular, cost-effective alternative to arbitration. Detailed information on the Tribunal's proceedings and its special chambers is to be found in the guide to proceedings before the Tribunal, copies of which are available here. I encourage every representative to take some copies to distribute at his or her mission or at home.

This year, the International Tribunal for the Law of the Sea celebrated its tenth anniversary. The ceremony was attended by the President of the International Court of Justice, the Legal Counsel of the United Nations, the Secretary-General of the International Seabed Authority, representatives of the Federal Government of Germany and of the Senate of the Free and Hanseatic City of Hamburg, as well as legal advisors and other representatives from more than 80 States. The celebration continued with a symposium on assessments of and prospects for the jurisprudence of the Tribunal, organized by the International Foundation for the Law of the Sea.

The celebration of the tenth anniversary was a perfect opportunity to strengthen the relationship between the International Court of Justice and the Tribunal. On that occasion, Judge Rosalyn Higgins, the President of the International Court of Justice, declared that "within a decade, the Tribunal has pronounced interesting law, built a reputation for its efficient and speedy management of cases, and shown innovative use of information technology". Judge Higgins also emphasized that the mutual respect prevailing between the two judicial institutions helped them in achieving their "common goal of a mutually reinforcing corpus of international law in the settlement of international legal disputes".

In these 10 years, there has been excellent cooperation with the United Nations and the Division for Ocean Affairs and the Law of the Sea in several aspects, in particular with regard to the participation of the Tribunal at the meeting of States parties. Given the interest of the States parties in the Tribunal, we would certainly welcome the States parties' meeting at least once in Hamburg in the future.

It is evident that the potential of the Tribunal has not yet been fully utilized. Possible litigants could take advantage of the judges' skills and cost-effective procedures before the Tribunal. States may, in accordance with article 287 of the Convention, make written declarations nominating the Tribunal as the preferred forum for the settlement of their disputes concerning the Convention. Of the current 152 States parties to the Convention, just 39 have made

declarations under article 287 and only 22 of those — alone or sometimes together with the International Court of Justice — have accepted the compulsory jurisdiction of the Tribunal. In the absence of a declaration, parties are deemed to have accepted arbitration.

In practice, arbitration has proven to be the general rule, while selecting the Tribunal or the International Court of Justice remains the exception. It is doubtful whether that development was anticipated when the Convention was negotiated and adopted. It is to be hoped that an increasing number of States will make declarations in accordance with article 287 of the Convention, as stated in the draft resolution. I very much appreciate the promotion the Tribunal is receiving in that respect by the General Assembly.

A further alternative to conferring jurisdiction on the Tribunal is through the insertion of jurisdictional clauses in international agreements related to the law of the sea. Eight such multilateral agreements have already been concluded, the most well-known being the Straddling Fish Stocks Agreement of 1995. It might, however, be useful for future international agreements to indicate the default forum in the absence of declarations or agreements on the procedure for settlement. The Tribunal, as an international maritime court, is perfectly placed to play exactly that role.

That leads me to the recurring question of the potential fragmentation of international law — an issue that arose out of the process of international judicial decentralization. The establishment of such specialized judicial bodies is a positive development, since such bodies fulfil complementary needs and have therefore a role to play in maintaining the coherence of international law.

With a view to ameliorating a possible fragmentation, I suggested at the informal meeting of legal advisors that a meeting of presidents of all international courts and the Chairman of the International Law Commission should be organized in order to exchange views on ways to improve the unity of international law. I assume that such a meeting will take place in 2007, which I consider an important step to consolidate the international jurisprudence.

I also wish to report that the Tribunal is organizing a series of workshops on the settlement of law of the sea-related disputes in different regions of the world, in cooperation with the Korea International Cooperation Agency of the Republic of Korea and the International Foundation for the Law of the Sea. The purpose of the workshops is to provide governmental experts with insight into the procedures for the settlement of disputes contained in part XV of the Convention.

At the invitation of the Government of the Republic of Senegal, the first regional workshop took place in Dakar from 31 October to 2 November. The workshop was attended by representatives of different ministries of 13 African States, who discussed the topic of the role of the International Tribunal for the Law of the Sea in the settlement of disputes relating to the law of the sea in West Africa. I would like to sincerely thank the Government of the Republic of Senegal for its support in organizing the workshop. Further regional workshops will be held by the Tribunal in Jamaica and Singapore in 2007. We are grateful to the Governments of Jamaica and Singapore for their kind cooperation, and to the Secretary-General of the International Seabed Authority for agreeing to be our host in Jamaica.

I also wish to place on record my great appreciation for the excellent cooperation extended to the Tribunal by the German authorities. That was evident in particular at the celebration of the tenth anniversary, which took place in Hamburg and Berlin.

Let me briefly touch upon a budgetary issue that is of concern to the Tribunal. As of 15 November, there was an unpaid balance of assessed contributions to the overall budget of the Tribunal amounting to roughly €2 million for the 1996-1997 to 2005-2006 budgets. The Registrar sent notes verbales to the States parties concerned in July and November, reminding them of their outstanding contributions. We are grateful to the sponsors of the draft resolution for incorporating an appeal to States parties in that matter.

Allow me to touch upon one further issue. The costs for bringing a case before the Tribunal may deter a State with limited resources from doing so. I wish to draw the attention of the Assembly to the trust fund to assist States parties in the settlement of disputes through the Tribunal, administered by the United Nations Division for Ocean Affairs and the Law of the Sea. An application for assistance may be submitted by any State party to the Convention, and the financial assistance will be provided on the basis of the

recommendations of a panel of experts. In the year 2005, $20,000 was awarded to Guinea-Bissau.

There is also the possibility of taking up offers by qualified lawyers to work on a reduced fee basis, a list of whom is maintained by the Division. The fund stands currently at roughly $70,000. I wish therefore to invite States, international organizations, national institutions and non-governmental organizations, as well as natural and juridical persons, to consider the possibility of making voluntary financial contributions to this fund.

Madam President, I conclude by reiterating my gratitude to you and to the General Assembly for the opportunity granted to me to address this body. I also wish to thank the Secretary-General, the Legal Counsel and, in particular, the Director of the Division for Ocean Affairs and the Law of the Sea for their ongoing support.

The Acting President: We have heard the last speaker in the debate on agenda item 71 and its sub-items (a) and (b).

We shall now proceed to consider draft resolution A/61/L.38. The Assembly will now take a decision on the draft resolution, entitled "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments".

I should like to announce that since the introduction of the draft resolution, the following countries have joined as sponsors: Belgium, Belize, Cape Verde, Cyprus, France, Germany, Greece, Luxembourg, Madagascar, Monaco, the Netherlands, Portugal, Saint Lucia, Sierra Leone, Slovenia, Solomon Islands, Spain, Sweden, Trinidad and Tobago, and Vanuatu.

May I take it that the Assembly decides to adopt draft resolution A/61/L.38?

The draft resolution was adopted (resolution 61/105).

Before giving the floor to the speakers in explanation of position after adoption, may I remind delegations that such explanations are limited to 10 minutes and should be made by delegations from their seats.

Mr. Arévalo (Chile) (*spoke in Spanish*): After joining the consensus in adopting the resolution on sustainable fisheries, the Chilean delegation would like to express its satisfaction at having participated in the process of its adoption. We would like to underscore the efforts made by all delegations to arrive at consensus on important aspects of the resolution, highlighting, among other things, measures aimed at the fight against illegal, unreported and unregulated fishing, and the strengthening of the role that regional fisheries management organizations (RFMOs) have in managing high seas fisheries and marine ecosystems so as to ensure above all the conservation and sustainable use of straddling and highly migratory fish stocks, as in the case of mackerel and swordfish resources, respectively.

The Chilean delegation considers that the resolution sets important challenges for RFMOs, providing them with clear mandates for the application of the precautionary approach and for taking measures aimed at ensuring the sustainable use of fishing resources and the protection of vulnerable marine ecosystems, as in the case of cold water corals, hydrothermal vents and seamounts.

Although our delegation shared and continues to share in the concerns of the majority of delegations on the protection of fragile high seas ecosystems, and although we were hoping for an efficient alternative that would allow States to avoid irreversible damage to such ecosystems through regulations applicable to their nationals in the short term, we have achieved the necessary consensus to agree to the resolution that we have adopted. However, we must take very much into account the fact that responsibility now lies with the existing RFMOs and with the States participating in the creation of new RFMOs, since the mandate is directed to such multilateral entities.

In this context, Chile wishes to call on all the participants in the third round to establish the South Pacific Regional Fisheries Management Organization to responsibly undertake the mandate and meet the deadlines that the United Nations has established through this resolution, starting as of now, to work on serious proposals for provisional measures, including the application of the precautionary approach that will make it possible to safeguard the conservation of

important straddling fish stocks, such as mackerel, and the vulnerable marine ecosystems in the high seas area of the South Pacific Ocean.

Mr. Riofrio (Ecuador) (*spoke in Spanish*): Ecuador has joined the consensus to adopt the draft resolution on sustainable fisheries. However, my delegation wishes to place on record its position to the effect that none of the recommendations contained therein concerning the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted in 1995, can be interpreted as mandatory on those States that have not yet ratified that Agreement.

Mr. Limeres (Argentina) (*spoke in Spanish*): Argentina has joined the consensus in adopting the draft resolution on fisheries. Nevertheless, we would like to point out that none of the recommendations contained therein may be interpreted as implying that the provisions of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted in New York in 1995, may be deemed to be binding on the States that have not expressly manifested their consent to be bound by that Agreement.

Mr. Niño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The delegation of the Bolivarian Republic of Venezuela joined in the consensus on draft resolution contained in document A/61/L.38 on sustainable fisheries.

At the international level, my delegation has applied the provisions of the Code of Conduct for Responsible Fisheries and of chapter 18 of Agenda 21, adopted by the United Nations Conference on Environment and Development. It has also actively participated in regional fisheries management organizations such as the Food and Agriculture Organization of the United Nations (FAO) Committee on Fisheries and its subsidiary organs; the Western Central Atlantic Fisheries Commission; the Latin American Fisheries Development Organization; the Commission for Inland Fisheries of Latin America; the International Convention for the Conservation of Atlantic Tunas; and the Inter-American Tropical Tuna Commission. It is also a party to various international instruments such as the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region and its Protocol concerning Specially Protected Areas and Wildlife, as well as the Convention on International Trade in Endangered Species of Wild Fauna and Flora, as well as the Convention on Biological Diversity.

It is important to note that the Bolivarian Republic of Venezuela is not a party to the United Nations Convention on the Law of the Sea, including the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. Nor are the norms of those international instruments applicable under customary international law, except for those that the Bolivarian Republic of Venezuela has explicitly recognized, or may recognize in future, by incorporating them into its domestic legislation, given that the reasons that have prevented ratification of those instruments still remain.

For that reason, my delegation did not block the consensus on the draft resolution on sustainable fisheries. Nonetheless, it reaffirms its historical position with respect to the United Nations Convention on the Law of the Sea and its associated agreements, which have prompted it to place on record this explicit reservation concerning the content of the draft resolution. I trust that this statement will be accurately reflected in the records.

Mr. Sandoval (Colombia) (*spoke in Spanish*): While the delegation of Colombia joined in the consensus on the adoption of draft resolution A/61/L.38 on sustainable fisheries, it wishes to place on record the fact that those provisions cannot be considered or interpreted in a way that would extend to non-party States the provisions of the 1995 United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, because, on the basis of the principle of *pacta tertiis*, a treaty does not create either obligations or rights for a third State without its consent, as stated in article 34 of the Vienna Convention on the Law of Treaties of 1969.

Mr. Erciyes (Turkey): I am taking the floor to make a statement in explanation of vote on the draft

resolution on sustainable fisheries, contained in document A/61/L.38 under agenda item 71 (b), which the Assembly has just adopted.

At the outset, I would like to state that Turkey is fully committed to the protection, conservation, management and sustainable use of marine living resources, and attaches great importance to regional cooperation to that end. In that regard, Turkey supports draft resolution A/61/L.38 and particularly welcomes the measures designed to eliminate destructive bottom fisheries.

Turkey, however, disassociates itself from the references made in this resolution to the international instruments to which it is not party. These references, therefore, should not be interpreted as a change in the legal position of Turkey with regard to said instruments.

The Acting President: We have heard the last speaker in explanation of position.

The representative of Singapore has asked to make a statement in exercise of the right of reply.

Mr. Menon (Singapore): In a statement yesterday, the representative of Australia made comments on the Torres Strait, which is an issue that I would like to clarify.

I disagree with the arguments made by the representative of Australia. To begin with, she equated Australia's actions on the Great Barrier Reef with those on the Torres Strait. These are two different situations. Singapore does not object to the measures taken vis-à-vis the Great Barrier Reef for the simple reason that it is not a strait used for international navigation. Australia is within its rights to implement compulsory pilotage in those waters. Those rights do not, however, extend to the Torres Strait, which is used for international navigation.

This leads me to her next assertion — that measures on the Taurus Strait were adopted in a manner consistent with the Convention, including approval by the competent authority. They were not. The Torres Strait is used for international navigation and is governed by part III of the United Nations Convention on the Law of the Sea (UNCLOS). All ships transiting through the Torres Strait therefore have the right of transit passage. They must be allowed to exercise freedom of navigation, in accordance with part III of the United Nations Convention on the Law of the Sea, for the purpose of continuous and expeditious transit of the Strait.

During UNCLOS negotiations on straits used for international navigation, coastal States were allowed to extend the territorial sea adjacent to their coast to 12 nautical miles. That gives them fairly broad jurisdictional powers to regulate ships passing through their territorial sea. However, UNCLOS also specifically provides that if part of the territorial sea comprises a strait used for international navigation, such as the Torres Strait, the sovereignty and jurisdiction of the States bordering such strait must be exercised subject to the provisions of part III of UNCLOS. UNCLOS provides that ships exercising the right of transit passage must comply with the generally accepted international regulations, procedures and practices established by the International Maritime Organization (IMO). Australia's argument is that that competent authority, in this case the IMO, has authorized a system of compulsory pilotage in the Torres Strait.

The fact of the matter is that the Australia position was not supported by the IMO. First, the wording of the IMO Marine Environment Protection Committee (MEPC) resolution 133 did not approve a compulsory pilotage scheme in the Torres Strait. It only approved Australia's system of pilotage, conditioned on Australia's acceptance of the statement that the resolution was recommendatory in nature and provided no legal basis for mandatory pilotage for ships in transit in this or any other strait used for international navigation.

Secondly, at the IMO MEPC meeting where that resolution was adopted, Singapore, the United States and several other delegations made it clear that they did not regard the resolution as the international legal basis for the establishment of a mandatory system of pilotage in the Torres Strait or any other strait used for international navigation.

To remove any doubt, the MEPC met again in October 2006. The MEPC reaffirmed that the earlier decision was recommendatory in nature. Twenty-three delegations also supported the view that the resolution did not provide Australia with the legal basis to impose compulsory pilotage. In short, Australia's move is in contravention of UNCLOS.

The representative of Australia also noted different views on the application of laws and

regulations in respect of transit passage. The provisions of UNCLOS are clear. The right of transit passage is enshrined in it. In my earlier statement, I cautioned against attempts of this nature to modify the meaning of the Convention.

Australia's actions threaten the delicate balance in UNCLOS between the interests of coastal States and the interests of user States in straits used for international navigation. These actions could also encourage other States to act similarly for other straits used for international navigation. The regime in Part III, on straits used for international navigation, is one of the most important compromises achieved in the many years of negotiations leading to the adoption of UNCLOS. Transit passage is vital to the commercial and security interests of major maritime States. It is also vital to the commercial shipping community.

I know that Australia is keen to work with us to resolve this issue, which is gratifying. As I said before, Singapore is also willing to work with Australia. Singapore recognizes the environmental sensitivity of the Torres Strait. We support efforts to address environmental concerns and facilitate safe and efficient shipping; however, this must and can be done in a way that respects the right of transit passage that is enshrined in UNCLOS. It is not a zero-sum game, nor is it a choice between addressing environmental concerns and contravening UNCLOS. We look forward to working with Australia to find a solution that accommodates concerns about the marine environment and concerns about respecting UNCLOS.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (b) of agenda item 71?

It was so decided.

The Acting President: The General Assembly has thus concluded this stage of its consideration of agenda item 71 and its sub-item (a).

The meeting rose at 12.35 p.m.

United Nations A/61/PV.72

General Assembly

Sixty-first session

Official Records

72nd plenary meeting
Monday, 11 December 2006, 10 a.m.
New York

President: Ms. Al-Khalifa ..... (Bahrain)

The meeting was called to order at 10.30 a.m.

Agenda item 101

Notification by the Secretary-General under Article 12, paragraph 2, of the Charter of the United Nations

Note by the Secretary-General (A/61/371)

The President: As members are aware, in accordance with the provisions of Article 12, paragraph 2, of the Charter of the United Nations, and with the consent of the Security Council, the Secretary-General is mandated to notify the General Assembly of matters relative to the maintenance of international peace and security that are being dealt with by the Security Council and of matters with which the Council has ceased to deal.

In that connection, the General Assembly has before it a note by the Secretary-General issued as document A/61/371.

May I take it that the Assembly takes note of this document?

It was so decided.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 101?

It was so decided.

Agenda items 9 and 111

Report of the Security Council (A/61/2)

Question of equitable representation on and increase in the membership of the Security Council and related matters

The President: As members are aware, the question of equitable representation on and increase in the membership of the Security Council was first introduced onto our agenda in 1979, during the thirty-fourth session of the General Assembly.

Discussions on this matter led the Assembly, at its forty-eighth session, to adopt resolution 48/26 of 3 December 1993, by which it decided to establish the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council.

Since January 1994, the Working Group has attempted to reach agreement on the various aspects of that important issue. As members will recall, a number of draft resolutions on the issue of Security Council reform were submitted by several groups of States during the fifty-ninth and sixtieth sessions. As a result, the General Assembly has discussed the issue at a number of informal and formal meetings. That is in addition to the regular general debate on this agenda item and further discussion during the item on follow-up to the outcome of the Millennium Summit. So far, our ongoing efforts have not lead to an agreement on Security Council reform. However, we should not lose

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

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hope in our ability to make progress on that important matter.

We should also acknowledge the clear mandate to move forward on this issue in the 2005 World Summit Outcome document. Our leaders recommitted themselves to supporting

> "early reform of the Security Council — an essential element of our overall effort to reform the United Nations — in order to make it more broadly representative, efficient and transparent and thus to further enhance its effectiveness and the legitimacy and implementation of its decisions" (*resolution 60/1, para. 153*).

After many years of inconclusive debate on that important matter, I believe that the time has come for us to make a realistic assessment of the whole issue. In so doing, we should be prepared to look at this matter with fresh and open minds so that we can make substantial progress. I therefore look forward to hearing members' concrete proposals and views on how to move ahead on that important reform agenda item.

As the President of the General Assembly at its sixty-first session, I wish to assure members of my readiness to work with all of them to establish the most appropriate process to enable us to fulfil the challenging task of reforming the Security Council, as mandated by our leaders.

I now give the floor to the President of the Security Council, Mr. Nassir Abdulaziz Al-Nasser, to introduce the report of the Security Council.

Mr. Al-Nasser (Qatar) (*spoke in Arabic*): On behalf of all members of the Security Council, I would like to offer my congratulations to you, Madam, on your election as President of the General Assembly at its sixty-first session. It is my sincere hope that, during your tenure, relations between the Security Council and the General Assembly will continue to develop and strengthen so that each body may discharge its responsibilities in conformity with the vision set out in the Charter of the United Nations.

I have the honour, in my capacity as President of the Security Council for the month of December 2006, to introduce the annual report of the Council to the General Assembly in document A/61/2. The report I present today covers the period from 1 August 2005 to 31 July 2006.

As the annual report shows, the trend of an increasingly busy agenda of the Council has continued during the reporting period. The wide range of issues it addresses covers all the major aspects of the maintenance of international peace and security, including conflicts, threats to peace and security and the United Nations peacekeeping operations established to restore stability in those situations.

During the period under review, the Council met in 259 formal meetings, of which 217 were public, in addition to 24 meetings with troop-contributing countries. The Council held consultations of the whole 191 times. In that period, the Council adopted 81 resolutions and 65 presidential statements. The Council renewed 26 mandates, including those of peacekeeping operations, and created one new mandate, while none were terminated.

The Council also focused on a number of cross-cutting thematic issues, mainly in open thematic debates. Those issues included strengthening international law, small arms, peacekeeping operations, cooperation between the United Nations and regional organizations in maintaining international peace and security, women and peace and security, the protection of civilians in armed conflict, and children and armed conflict, concerning which a number of resolutions and presidential statements were adopted.

Aware of the importance of Security Council missions, the Council undertook four such missions during the reporting period. The first was to Central Africa from 4 to 11 November 2005; the second to Ethiopia and Eritrea from 6 to 9 November 2005; and the third to the Sudan and Chad from 4 to 10 June 2006. The latter was undertaken back to back with the forth, which visited the Democratic Republic of the Congo from 10 to 12 June 2006.

The introduction to the annual report, which was prepared by the French delegation in its capacity as President of the Security Council last July, sets out in detail the Council's activities for the reporting period and all the issues that the Council addressed in that period. I would, however, like to highlight some of the most prominent issues that were addressed by the Council.

The African continent continued to receive the attention of the Council. Conflicts in the continent witnessed positive as well as negative developments. The situation in Côte d'Ivoire witnessed several

developments, to which the Council reacted. Although the presidential elections could not be held as planned on 30 October 2005, the Council welcomed the appointment of a new Prime Minister, approved arrangements for the transition period, and invited all Ivorian parties to accelerate the implementation of the road map. It also renewed the mandates of the United Nations Operation in Côte d'Ivoire and the Panel of Experts.

Elsewhere in West Africa, the situation in Guinea-Bissau and Sierra Leone witnessed positive improvements. In Guinea-Bissau, successful presidential elections were held and the Council extended the mandate of the United Nations Peace-building Support Office in Guinea-Bissau until the end of 2006. In Sierra Leone, positive developments were reflected in the establishment of the United Nations Integrated Office in Sierra Leone, pursuant to Security Council resolution 1620 (2005). The Council adopted a resolution to authorize the trial of former Liberian president Charles Taylor by the Sierra Leone Special Court, sitting in The Hague. In Liberia, too, there have been positive developments, which were reflected by the gradual relaxation of the embargo imposed by the Council. The Council also renewed the mandate of the United Nations Mission in Liberia and the Panel of Experts.

The precarious situation in the Great Lakes region continued to be a concern for the Council. In an open debate held on 27 January, the Council stressed the need for the disarmament and demobilization of armed groups in the region. The mandate of the United Nations Operation in Burundi (ONUB) was extended a final time to 31 December 2006, and the Council remained seized of the situation in Burundi and in the neighbouring Democratic Republic of the Congo. In the Democratic Republic of the Congo, one of the main concerns of the Council was to create an environment conducive to the successful holding of presidential and parliamentary elections, including by increasing the military and civilian police strength of the United Nations Organization Mission in the Democratic Republic of the Congo and the redeployment of ONUB personnel.

The situation in the Sudan was one of the issues that the Council debated extensively during the reporting period. As the situation in Darfur continued to be a cause of concern, the Council supported the Abuja peace talks, welcomed the Darfur Peace Agreement and called for its implementation. In a May 2006 presidential statement, the Council endorsed African Union decisions on the transition to a United Nations force in Darfur.

The Council called for the implementation of the Eritrea-Ethiopia Boundary Commission's decision and full cooperation with the United Nations Mission in Ethiopia and Eritrea. Also in the Horn of Africa, the situation in Somalia was further complicated by increasing militarization and the inability of the Transitional Federal Institutions to cope with the discord. The Council welcomed the talks and the agreement reached between the Transitional Federal Government and the Union of Islamic Courts; at the same time, the Council began consideration of authorizing an African peace support mission in Somalia.

Another region receiving considerable attention from the Council was the Middle East, where turmoil and violence escalated. Regarding Iraq, the Security Council on several occasions expressed concern at the ongoing violence in the country, while noting on other occasions the positive constitutional and electoral developments there. The Council extended the mandate of the Multination Force for 12 additional months.

The Council continued to receive monthly briefings from the Secretariat about the situation in the Middle East, including the question of Palestine, where the security and humanitarian situation had deteriorated considerably due to the escalation of violence, which threatened to further derail the peace process. On 24 August 2005, the Council heard in a public meeting a briefing following the Israeli disengagement from Gaza and parts of the West Bank, and issued a press statement emphasizing the importance of full disengagement as a first step towards resumption of the peace process. In a presidential statement of 23 September, the Council supported the most recent statement by the Quartet in that regard. In another presidential statement, the Council welcomed the successful opening of the Rafah crossing between Gaza and Egypt. This year, in a statement by the President, after congratulating the Palestinian people on holding legislative elections, the Council failed to reach agreement on a number of presidential and press statements that it considered on the situation in the Middle East. The Council also failed to adopt a draft resolution on the situation in the Middle East.

As violence escalated in the Gaza Strip, hostilities erupted across the Israeli-Lebanese border in July, causing a large number of casualties in a short time, which prompted the Security Council to express its shock at the firing by the Israeli Defence Forces on a United Nations observer post and, three days later, at the shelling of a residential building in southern Lebanon. The political situation in Lebanon also received the attention of the Security Council, which held a public meeting on 21 April in which the Lebanese Prime Minister participated, and continued to monitor the implementation of resolution 1559 (2004). Also concerning Lebanon, the Council continued to receive updates from the International Independent Investigation Commission regarding the assassination of former Lebanese Prime Minister Rafiq Hariri. While supporting the work of the Commission, the Council adopted resolution 1664 (2006) requesting the Secretary-General to negotiate an agreement with the Government of Lebanon aimed at establishing a tribunal of an international character.

On Haiti, the main issue addressed by the Council was the holding of presidential elections. The Council held a public debate on 27 March in the presence of the President-Elect of Haiti, René Préval, and adopted two presidential statements congratulating him on his election and on his inauguration. The Council had earlier stressed the importance of conducting transparent, free and fair elections.

Regarding Afghanistan, the final milestone of the Bonn process was reached when successful parliamentary and provincial elections were held in September 2005, which was welcomed in a press statement issued by the President of the Council. Another important event regarding Afghanistan was the London Conference, whose outcome, the Afghanistan Compact, was endorsed by the Council in its resolution 1659 (2006).

Elsewhere in Asia, political unrest in Timor-Leste required the deployment of defence and security forces by Portugal, Australia, New Zealand and Malaysia, which was supported by the Council. Furthermore, the Council extended the mandate of the United Nations Office in Timor-Leste.

The Council considered a number of issues in Europe. It received briefings on the progress of the political process to determine Kosovo's future status. The Council twice renewed the mandate of the United Nations Peacekeeping Force in Cyprus for a period of six months. The Council was briefed, including in a public meeting held on 18 April in the presence of the Chairman of the Council of Ministers of Bosnia and Herzegovina, on the implementation of the Peace Agreement in Bosnia and Herzegovina and the results achieved in the country's goal of full integration into European structures. The Council also remained seized of the situation in Abkhazia, Georgia.

On 15 July, the Council unanimously adopted resolution 1695 (2006), by which it demanded that the Democratic People's Republic of Korea suspend all activities related to its ballistic missile programme and re-establish its pre-existing commitments to a moratorium on missile launching. The next resolution adopted by the Council was resolution 1696 (2006). The resolution, which was adopted on 31 July 2006, noted that the Islamic Republic of Iran had not complied with the requirements set out by the Board of Governors of the International Atomic Energy Agency and reiterated in the presidential statement it had adopted on 29 March. The resolution determined that Iran should suspend all enrichment-related and reprocessing activities and expressed the intention of the Council, in the event that Iran did not comply, to adopt measures under Article 41 of the Charter.

Threats to international peace and security caused by terrorists acts was an issue of priority to the Council. Resolution 1624 (2005) was adopted on 14 September 2005 at a Security Council summit attended by heads of State or Government, calling on all States to prohibit by law incitement to commit terrorist acts. At that meeting, the Security Council also adopted resolution 1625 (2005) on the prevention of conflict, particularly in Africa.

The Council continued the tradition of hearing joint briefings by the Chairmen of subsidiary Committees whose work relates to counter-terrorism: the Committees established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities; resolution 1373 (2001) concerning counter-terrorism; and resolution 1540 (2004). The Committee established pursuant to resolution 1540 (2004) submitted its final report to the Council on 27 April 2006, and its mandate was extended for another two-year period by resolution 1673 (2006).

Following the decision of the September 2005 World Summit to establish the Peacebuilding Commission, the Council adopted resolutions 1645 (2005) and 1646 (2005), which operationalized that decision, and decided that the permanent members of the Council would be members of the Organizational Committee of the Peacebuilding Commission, together with two non-permanent members.

Finally, the Security Council, by its resolution 1691 (2006), recommended to the General Assembly that the Republic of Montenegro be admitted to membership in the United Nations.

I would like to point out that the format of the report now before the General Assembly corresponds to the provisions incorporated in the note by the President of the Council of 19 July 2006 (S/2006/507) in order to enhance the utility of the report.

The Security Council, eager to improve its working methods, continued to focus on that issue in order to make its work more effective and efficient. In that regard, the members of the Council endorsed the note by the President in document S/2006/507, summarizing the achievements of the Council's Informal Working Group on Documentation and Other Procedural Questions since January 2006. The members of the Security Council were committed to transparency, outreach and effective interaction with the membership of the United Nations at large. In that spirit, as many public meetings of the Council as possible were held, and the Council coordinated closely with the former President of the General Assembly regarding the recommendation for the appointment of the Secretary-General of the United Nations.

In conclusion, on behalf of all Security Council members, I should like to thank members of the Assembly for this opportunity to introduce the Council's report. I would also like to express the appreciation of all Security Council members for the work of the Secretary-General and the Secretariat, and for their professionalism and invaluable support to the Security Council so that it might best fulfil its role.

Mr. Malmierca Díaz (Cuba) (*spoke in Spanish*): I have the honour to address the General Assembly on behalf of the Non-Aligned Movement (NAM).

First, we thank Ambassador Nassir Abdulaziz Al-Nasser, Permanent Representative of the State of Qatar and President of the Security Council for December, for his introduction of the report of the Security Council. I avail myself of this opportunity to acknowledge, on behalf of NAM, the excellent job that Qatar is doing as a member of the Council.

The report of the Security Council was approved by that organ just last Wednesday, less than a week ago, and published as an official document just a few days ago. NAM considers that this very late submission of the report does not contribute to its deep and comprehensive consideration by the General Assembly. We sincerely hope that this situation will not recur in the future. This is a very important item on our agenda and all Member States need a reasonable period of time to prepare for this debate.

NAM notes that this year the report has a format and approach very similar to last year's. Clearly, much more should be done regarding the contents of the report. We call on the Security Council to submit a more comprehensive and analytical annual report to the General Assembly, assessing the work of the Council, including such cases in which the Council has failed to act, as well as the views expressed by its members during the consideration of the agenda items under its consideration. We also call on the Security Council, pursuant to paragraph 1 of Article 15 and paragraph 3 of Article 24 of the Charter, to submit special reports for the consideration of the General Assembly. The Presidents of the Security Council should also ensure that their monthly assessments are comprehensive, analytical, and issued in a timely fashion.

We oppose the tendency to equate reform of the United Nations with greater empowerment of the Security Council, mindful of the need to maintain the balance among the functions and powers of the principal organs of the United Nations. The Security Council must fully observe all provisions of the Charter and all General Assembly resolutions that clarify its relationships with that organ and other principal organs. In this context, we reaffirm that Article 24 of the Charter does not necessarily provide the Security Council with the power to address issues that fall within the functions and powers of the General Assembly and the Economic and Social Council, especially in the areas of establishing norms, legislation and definitions, bearing in mind that the primary task of the Assembly in the progressive development of international law is its codification.

We would call attention to the danger of encroachment by the Security Council on issues that clearly fall within the functions and powers of other principal organs of the United Nations and their subsidiary bodies. Moreover, close cooperation and coordination among all the principal organs is absolutely indispensable so that the United Nations can remain relevant and able to meet existing, new and emerging threats and challenges.

The Movement of Non-Aligned Countries reiterates that a decision by the Council to initiate formal or informal discussions on the situation in any State Member of the United Nations or on any issue that does not constitute a threat to international peace and security violates Article 24 of the Charter.

In this context, NAM urges the Presidents of the General Assembly, the Economic and Social Council and the Security Council to meet periodically to discuss and coordinate among themselves regarding the agendas and programmes of work of the respective principal organs that they represent. We also call on the Security Council to take fully into account the recommendations of the General Assembly on matters relating to international peace and security, consistent with Article 11, paragraph 2 of the Charter.

We will oppose and stop attempts to shift issues on the agenda of the General Assembly or the Economic and Social Council to the Security Council and will oppose usurpation by the Security Council of the functions and powers of the Assembly.

The Non-Aligned Movement expresses its grave concern over instances when the Security Council has not tackled cases involving genocide, crimes against humanity, war crimes or ceasefires between parties in fulfilment of its primary responsibility in that respect. We stress that in instances when the Security Council has not fulfilled its primary responsibility for the maintenance of international peace and security, the General Assembly should take appropriate measures in accordance with the Charter to resolve the issue.

The Movement remains concerned at the lack of progress in the discussions in the General Assembly on the issue of Security Council reform. The discussions have shown that while a convergence of views has emerged on a number of issues, major differences still exist on many others. While there has been some improvement in the Council's working methods, they have not satisfied even the minimum expectations of the general membership of the United Nations. So there is much room for improvement.

Reform of the Security Council should not be confined to the issue of the number of its members; it should address substantive issues relating to the Council's agenda, working methods and decision-making process.

In recent years, the Security Council has been too quick to threaten or authorize coercive action in some cases while being silent and inactive in others. Moreover, the Council has increasingly been resorting to Chapter VII of the Charter to seize issues that do not necessarily pose an immediate threat to international peace and security.

Instead of excessive and abrupt use of Chapter VII, efforts should be made to fully utilize the provisions of Chapters VI and VIII for the peaceful settlement of disputes. Chapter VII should be invoked, as was intended, as a measure of last resort. Unfortunately, resort to the provisions of Articles 41 and 42 have in some cases been too quick when the other available options had not yet been fully exhausted.

Sanctions imposed by the Security Council remain an issue of serious concern for non-aligned countries. In accordance with the Charter of the United Nations, sanctions should be considered only when all means of peaceful settlement of disputes under Chapter VI have been exhausted and when the short-term and long-term impact of such sanctions have been thoroughly considered.

The objectives of sanctions are not to punish the populace or take reprisals against them. The objectives of sanctions regimes should be clearly defined, have a specified timeframe and be based on tenable legal grounds. Sanctions should be lifted as soon as the objectives are achieved.

The Non-Aligned Movement considers that transparency, openness and consistency are key elements that the Security Council must observe in all its activities, approaches and procedures. Regrettably, on numerous occasions, the Council has neglected these important factors. Such instances include unscheduled open debates with selective notification, reluctance to convene open debates on some issues of great significance, and restricting participation in some of the open debates. The Council must comply with the

provisions of Article 31 of the Charter, which allows any State not a member of the Council to participate in discussions on matters affecting it. Closed meetings and informal consultations should be kept to a minimum and as the exception that they were meant to be.

It is the position of NAM that the objectives of Council reform should be addressed in a comprehensive, transparent and balanced manner and should include the following: ensuring that the Council's agenda reflects the needs and interests of both developing and developed countries equally in an objective, rational, non-selective and non-arbitrary manner; ensuring that the enlargement of the Council will lead to its being more democratic, more representative, more accountable and more effective; ensuring that the Council's rules of procedure, which have remained provisional for over 50 years, are formalized in order to improve its transparency and accountability; and democratizing the decision-making process in the Council, including by limiting and curtailing the use of the veto with a view to its eventual elimination. In this context, the concept of voluntary self-restraint is insufficient and cannot be considered an option.

Among additional options that might be considered are the following: limiting the exercise of the right of veto to actions taken by the Council under Chapter VII of the Charter; the possibility of overruling the veto within the Council by an affirmative vote of a certain number of member States, commensurate with the size of an expanded Council; and possible overruling of the veto by a two-thirds majority vote in the General Assembly under the Uniting for Peace procedure and under a progressive interpretation of Article 11 and Article 24, paragraph 1, of the Charter.

The Non-Aligned Movement emphasizes the need for the following measures to be taken: calling upon the Council to increase the number of public meetings and ensuring that these meetings provide real opportunities to take into account the views and contributions of the entire membership of the United Nations, particularly countries not members of the Council whose affairs are under consideration in the Council; and calling upon the Security Council to allow briefings by the special envoys or special representatives of the Secretary-General and by the Secretariat to take place in public meetings, except in extraordinary circumstances. We call upon the Council to continue to strengthen its relationship with the Secretariat and with the troop-contributing countries through, inter alia, sustained, regular and timely interaction. We request the Council to ensure that its subsidiary organs function in such a way as to provide sufficient and timely information on their activities to all United Nations Members.

I should like to conclude by expressing our best wishes for success to the new members of the Security Council: Belgium, Indonesia, Italy, Panama and South Africa. The Council can always count on the willingness of the Non-Aligned Movement to participate constructively in consultations on these issues and to work for the democratization of the Security Council as an effective forum in the maintenance of international peace and security.

Mr. Kryzhanivskyi (Ukraine): I have the honour to speak today on behalf of the GUAM countries, namely, Azerbaijan, Georgia, Moldova and Ukraine.

First of all, I would like to express our gratitude to Ambassador Nassir Abdulaziz Al-Nasser of Qatar for presenting the report of the Security Council (A/61/2). The period under review became yet another challenging juncture for the United Nations and a test of the relevance of the international system of collective security, safeguarded by the Security Council. Let me briefly highlight some points of particular concern for the GUAM member States in that regard.

Without doubt, international terrorism continues to pose one of the greatest threats to international peace and security. Recent terrorist attacks around the world remind us that that menace is ever present. We are convinced that the Security Council should continue to use its unique potential in mobilizing the international community to fight the scourge of terrorism. The Counter-Terrorism Committee should remain a crucial instrument in the hands of nations in eliminating terrorism.

Another major challenge to the system of collective security stems from the proliferation of weapons of mass destruction. It is with deep concern that we learned about the nuclear test by the Democratic People's Republic of Korea. The GUAM countries add their voice to the international appeal to Pyongyang to cease its nuclear and missile programmes and to renew dialogue with the

International Atomic Energy Agency (IAEA), as well as to all States involved to do their utmost to resume the six-party negotiations.

We are also concerned by the findings contained in the latest report of the IAEA Director General on Iran's nuclear programme. We believe that the international efforts to find a negotiated solution to that problem should continue in order to strengthen confidence in the exclusively peaceful purpose of that programme. In general, the States of GUAM firmly believe that the Security Council must continue to play a major role in multilateral efforts to strengthen the non-proliferation regime. In that regard we fully support Security Council resolutions 1540 (2004) and 1718 (2006).

The work of the Security Council on the Iraq issue should be commended. We reaffirm our support for the efforts of the Council, the United Nations in general and the Government of Iraq to stabilize the situation in the country and to promote national reconciliation and a peaceful political process. We underline the importance of continued and enhanced international support for Iraq's sovereign Government at this crucial time.

The situation in the Middle East is a source of deep concern for the GUAM countries. Recent events in Lebanon and the continuing Israeli-Palestinian crisis have shown the need for more decisive efforts by the Security Council to restore peace and stability in that region. The GUAM delegations commend the Council's efforts aimed at the implementation of resolution 1701 (2006). Establishing a robust United Nations peacekeeping force with a focus on the principles of a permanent ceasefire and a long-term solution, and entrusting the Secretary-General with significant authority in peacemaking are laudable innovations in the Council's overall approach to the region's problems.

As the issue of Kosovo remains at the forefront of United Nations stabilization efforts in the Balkan region, we welcome the direct negotiations between Belgrade and Pristina on defining the political status of the province, conducted under the auspices of Mr. Ahtisaari, Special Envoy of the Secretary-General. In that regard, it is important to ensure that the Security Council's eventual decision on the final status of Kosovo not impose a solution; rather, such a decision must be taken only with the clearly expressed consent of both parties concerned.

With regard to Africa, we believe that there is an urgent need to find a mutually acceptable formula that will make full use of the United Nations peacekeeping capacity, with the aim of an early settlement of the crisis in Darfur.

Over the past few years, cooperation between the Security Council and regional organizations has been considerably expanded, strengthened and developed in constructive ways. Our States believe that the United Nations and regional organizations should harmoniously complement each other and use their respective advantages. The GUAM States underline the need to enhance such cooperation in the sphere of resolving the protracted conflicts in the territories of Georgia, the Republic of Moldova and Azerbaijan, which have already been under way for more than 15 years. It is crucially important that the international community — in particular the United Nations and the Organization for Security and Cooperation in Europe (OSCE) — continue to take practical steps to settle those conflicts, which are among the most serious obstacles to stability, democracy and economic prosperity in the region.

In that regard, we call for the implementation of the resolutions of the Security Council and the decisions of the OSCE on the conflicts in Nagorny Karabakh, Azerbaijan and Abkhazia, Georgia, as well as the realization of the plan for a peace settlement of the conflict in South Ossetia, Georgia, offered by the President of Georgia, and the initiative by the President of Ukraine on Transdniestria, Moldova, entitled "Towards a settlement through democracy".

We note with satisfaction the reaffirmation in the Council's resolution 1716 (2006) of the commitment of all Security Council members to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders, as well as support by the Council for the principles contained in the paper on Basic Principles for the Distribution of Competencies between Tbilisi and Sukhumi. The States members of GUAM are pleased to note the interest of the Security Council in the additional ideas of the sides with a view to conducting, creatively and constructively, a political dialogue under the aegis of the United Nations.

Now let me turn to the issue of Security Council reform. GUAM considers reform of the Security Council to be of exceptional international significance. Making that body more representative and balanced and its work more effective and transparent, especially with regard to decision-making, is vital in adapting the United Nations to the realities of the twenty-first century.

Our position on that issue stems from the joint letter issued by the Eastern European Group (A/59/723) in response to the recommendations of the High-Level Panel on Threats, Challenges and Change concerning the enlargement of the Security Council. It is our conviction that the provisions of that letter are fully applicable at the current stage of the negotiating process. Existing regional groups should be maintained in the process of Security Council reform, and any increase in the non-permanent membership of the Security Council should ensure enhanced representation of the Eastern European Group by the allocation to the said Group of at least one additional non-permanent seat in the enlarged Council. In that respect, we proceed from the fact that, since 1991, the Eastern European Group's membership has more than doubled.

In addition, we believe that the enlargement of the Security Council is to be carried out in both categories, permanent and non-permanent. The GUAM States are of the view that structural changes in the Security Council should go hand in hand with the improvement of its working methods towards increasing their effectiveness and transparency. In particular, those countries that contribute most to the Organization — militarily, diplomatically and financially — should be more involved in the Security Council's decision-making process. In that regard, we recognize the results of the activity of the Council's Informal Working Group on Documentation and Other Procedural Question, contained in the note by the President of the Security Council in document S/2006/507, as a step in that direction. Still, in our opinion, there is a lot of room for improving the Council's interaction with the wider United Nations membership, in particular in the triangular relationship between the Security Council, the Secretariat and the troop-contributing countries, as well as in the application of sanctions.

Let me conclude by stressing the GUAM member States' full commitment to addressing the twofold challenge facing the United Nations today — strengthening the multilateral system of collective security and bringing the Security Council, as its central element, in line with today's realities and demands.

Mr. Hackett (Barbados): I have the honour to speak on behalf of the States members of the Caribbean Community (CARICOM) that are Members of the United Nations on agenda items 9 and 111 on the report of the Security Council and on the question of equitable representation on and increase in the membership of the Security Council and related matters.

CARICOM member States would like first to thank Ambassador Nassir Abdulaziz Al-Nasser, the Permanent Representative of the State of Qatar and current President of the Security Council, for his detailed presentation of the report of the Security Council. The report was issued only at the end of last week. We therefore have not had very much time to review it or to have meaningful consultations within the group. Thus, our comments on the report are very preliminary in nature. I hope that Member States will have a further opportunity to discuss that important report of the Security Council, should that be necessary. I would also wish to add that timely submission of reports would assist the General Assembly in performing its role as envisaged in the most recent resolution on the revitalization of the Assembly. If Member States are to be able to deliberate fully and effectively on issues before the Assembly, then the Secretariat — and the Security Council itself in the case of its own report — must assume the responsibility for issuing the documentation for each item of the Assembly in a very timely manner.

I would also wish to express our appreciation for the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council, which, although it was submitted to the Assembly towards the end of the sixtieth session, I recognize as relevant to this particular debate. We are particularly pleased to offer special congratulations to Ambassadors Paulette Bethel of the Bahamas and Frank Majoor of the Netherlands, the two Vice-Chairs of the Working Group, for their work in leading the consultations over the past year.

Once again, most of the work of the Security Council in 2006 was focused on Africa, and we applaud the efforts of the Council to bring peace and stability to the conflicts in that region of the world. The countries of CARICOM particularly welcome the attention that the Council has paid to the situation in Haiti and the support provided to the United Nations Stabilization Mission in Haiti. We would ask that the Council continue to remain engaged in Haiti and provide the new leadership of Haiti with the time and support necessary to establish and build a durable peace and a good basis for sustainable development.

The format of the report of the Council does not contain any assessment of the work of the Council. We believe that such an assessment is essential if the General Assembly is going to have a meaningful and analytical consideration of the work of the Security Council. For example, in the section of the report on the work of the subsidiary bodies, the Assembly is informed that the mandate of the Committee established pursuant to resolution 1540 (2004) was extended for a period of two years in its resolution 1673 (2006). It would have been very useful for Member States to receive some analysis of the situation in fulfilling the mandate of resolution 1540 (2004) and in learning what further work needed to be done within the context of the new resolution 1673 (2006). Reporting on those issues creates a heavy burden on small Member States, and we would like to see that burden lifted with the cessation of the need for such frequent reports.

Turning now to the reform of the Security Council, CARICOM member States are concerned that the General Assembly has been unable to reach agreement to date on reform of that major organ of the United Nations. We continue to believe that reform of the Security Council is part of the larger reform of the United Nations and is therefore critically important for completing the reform of the United Nations. We all therefore need to redouble our efforts to reach agreement on that important issue, hopefully by the end of the sixty-first session of the Assembly.

The consultations over the past 18 months, and particularly during 2005, have helped, we believe, to provide useful parametres for identifying some of the desired elements of the reform of the Security Council. We should therefore be able to build on those earlier consultations by re-examining earlier options, formulating fresh ideas and forging an agreement that would attract the support of the wider membership of the Organization. We should view 2007 as a new and, hopefully, final chapter in the search for a solution to Security Council reform.

In that regard, I offer for the consideration of this Assembly some of the views of CARICOM member States on that issue. CARICOM has been consistent in its call for an increase in membership of the Security Council in both the permanent and non-permanent categories, and particularly for greater representation of the developing countries in the Council. We therefore would like to suggest that, in any model for increase in the membership of the Security Council, there should be equity of access on the Council for small States of the Organization.

Few issues on the question of Security Council reform have proven to be as intractable as the question of the veto. CARICOM believes that the veto is an anachronism and should be abolished. If that is not immediately possible, there should be an agreement that the veto should be used with utmost restraint and limited to actions taken under Chapter VII of the Charter.

CARICOM is also of the view that, whereas sanctions may at times constitute a legitimate and necessary tool for the enforcement by the Council of measures to maintain international peace and security, those should be imposed only as an absolute last resort; they should be time-bound and accompanied by a clear exit strategy. Further, CARICOM stresses that special care and attention need to be given to the design and implementation of sanctions in order to avoid or at least minimize their negative impact on civilian populations.

CARICOM member States welcome a review clause in the working procedures of a reformed Security Council. Such a review could take into account criteria relevant to the obligations of Council members and should be undertaken periodically — possibly every 10 or 15 years — as a means of ensuring that the Council is fully responsive to the concerns and realities of Member States and, indeed, of the global community.

CARICOM is convinced that meaningful reform of the working methods of the Council is integral to the comprehensive reform of the Security Council. Critical to the reform of the Security Council is therefore the need for greater transparency and openness in the

working methods of the Council. We therefore appreciate greatly the report of the co-Chairs of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council, to which I referred earlier. While we had hoped for greater progress in the work of the Working Group, we nevertheless believe that the report represents a good basis for moving to the next phase of more intense consultations and their successful conclusion by the end of this session. We support the draft decision in the report that calls for the continuation of the Open-ended Working Group and the submission of its report to the General Assembly before the end of this session.

We further support the call for more frequent open debates of the Security Council to allow for greater inclusiveness and participation of all non-member States and for increased and comprehensive Council briefings to non-members as a means of keeping all delegations fully informed of Security Council activities.

Finally, in the 2005 Summit Outcome Document, heads of States and Government agreed that early reform of the Security Council was an essential element of our overall effort to reform the United Nations in order to make it more broadly representative, efficient and transparent. CARICOM believes that member States need to take a decision on that matter at least by the end of the sixty-first session of the Assembly if we are to implement that aspect of the Summit Outcome Document without much further delay. We therefore stand ready to participate in the consultations that we hope will begin in the early part of the new year.

Mr. Al-Shamsi (United Arab Emirates) (*spoke in Arabic*): On behalf of the delegation of the United Arab Emirates, I would like to thank you, Madam, for your wise management of this important meeting. I also thank the former Chairman of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council and his two Vice-Chairs for their outstanding efforts in leading the meetings of the Group at the sixtieth session. I also wish you success in carrying out your important work and in achieving consensus on strengthening the role and effectiveness of the Security Council in maintaining international peace and security.

We further thank the representative of Qatar, the President of the Security Council for this month, for his valuable and comprehensive report on the work of the Security Council. We also support the statement made earlier by the representative of Cuba on behalf of the Non-Aligned Movement.

Despite the broad support declared by the Member States for this question — either during the extensive consultations carried out by the General Assembly and geographical groups soon after the release of the report of the Secretary-General on reform entitled "In larger freedom", or throughout the work of the Open-ended Working Group since its establishment in 1993 — that matter continues to involve many complexities owing to ongoing differences of opinion among the Member States and their inability to date to find common ground for implementing that important part of the comprehensive reform process of the United Nations. That is particularly true in connection with the suggested format and size of the Council's membership, the regional distributions, the criteria of permanent members and their powers, the decision-making process, accountability, and other necessary measures and procedures that should be used to regulate the use of the veto, which has obstructed the adoption of many important resolutions dealing with the grave security threats that continue to confront our world.

Anyone involved in the work of the Security Council, especially in the past 15 years, must take pause before the inconsistent and double-standard policies followed by the Council in addressing the issues on its agenda. While the Council has been very keen to take effective measures under Chapter VII of the Charter to address security issues in many regions, it has remained silent and failed to take similar or even simpler measures in situations that were even more threatening to international peace and security. That, in turn, raised fundamental questions regarding the credibility of the role of the Council, not only at the level of Government, but also in the sphere of global public opinion.

We therefore feel that the decline in the Council's role to such levels will leave it short of the minimum requirements of the growing major responsibilities imposed upon it by current international changes. We

reiterate that the reform process of the Council and the increase of its membership have become an urgent priority international issue that requires no additional complications or delays, but a demonstration of more flexible, transparent and democratic positions by Member States in order to facilitate the process of reaching consensus and achieve the desired balanced reform of the Council. That will ensure the participation of all States, big and small, rich and poor, in the Council's decision-making process, which will reflect positively on them all, without exception.

The United Arab Emirates, which notes with satisfaction the limited progress made thus far in improving some of the Council's working methods — as reflected in the increase in the number of its open plenary meetings, giving non-members of the Council the opportunity to participate in its debates, and in the increase of public briefings on matters of common concern to the international community — would like to express its full support for the position of the Movement of Non-Aligned Countries, as declared at its fourteenth summit of heads of State and Government in Havana in September on this and all related matters considered to be an indivisible part of a comprehensive and integrated effort to make the role of the Council more effective and responsible and to promote democratization in its working methods, including the decision-making process, so as to reflect current political developments in international relations.

In that regard, we would like to reiterate our support for the following proposals.

First, enlargement of the permanent and non-permanent membership of the Council should be politically balanced and in conformity with the principles of the sovereign equality of Member States and equitable geographical representation so as to redress the underrepresentation of developing and small countries and the imbalance in geographical representation.

Second, a permanent seat should be allocated to the Group of Arab States. That seat would be filled by Arab countries on a rotating basis and in accordance with the practices endorsed by the League of Arab States, within the framework of the Groups of African and Asian States.

Third, in the event that agreement is reached on increasing the number of permanent members of the Security Council, those seats should go to countries that have truly demonstrated, in their relationship with the United Nations, their ability to discharge their responsibilities towards the maintenance of international peace and security and the fulfilment of the purposes and principles of the Charter in the economic, social and political arenas.

Fourth, priority should be given to establishing checks and balances on the use of the veto, which should be limited to resolutions submitted under Chapter VII of the Charter. The veto should also be overruled if resolutions receive a two-thirds majority vote so as to ensure the Council's impartiality, non-arbitrariness and non-selectivity, particularly with respect to pressing global issues that require urgent intervention in order to control bloodshed and protect civilians and their property, in accordance with the principles of the Charter and the 1949 Geneva Convention relative to the Protection of Civilian Persons in Times of War.

Fifth, we must mitigate the increasing resort by the Security Council to Chapter VII of the Charter as an umbrella for addressing issues that do not necessarily pose an immediate threat to international peace and security. In that context, we stress that sanctions should not be imposed, extended or expanded unless all relevant peaceful means for the settlement of disputes have been exhausted under Chapters VI and VIII of the Charter, and until a thorough study has been made of their short- and long-term effects, in order to protect the people of the affected countries.

Sixth, the Council must be urged to increase the number of its public briefings in order to give non-members an opportunity to participate in its debates and voice their opinions in accordance with the provisions of Articles 31 and 32 of the Charter, taking into consideration the needs and interests of all States when setting its agenda, which should be done objectively and in a non-selective manner.

Seventh, the Security Council must be charged with the responsibility of preparing special reports on its work to the General Assembly, in addition to its usual annual reports, which are submitted in accordance with Article 24 of the Charter, so as to enable the Assembly to carry out periodic, substantive and comprehensive assessments of the Council's work.

Eighth, the Council's rules of procedure, which have been provisional for 50 years, must be formalized

in order to promote transparency and accountability in the Council's proceedings.

Ninth, an appropriate mechanism must be established to improve interaction and coordination between the Security Council and the General Assembly, on the one hand, and with the Economic and Social Council and other regional organizations, on the other, in order to ensure that the Council does not infringe upon the prerogatives and powers of the other organs, as provided for in the Charter.

In conclusion, we hope that our deliberations on this item will promote consensus and a convergence of the various points of view and lead to a common and practical international vision for carrying out the desired reform in the Security Council in order to enable it to address the increasing challenges in international peacemaking and in protecting humanity from the destruction of war and grave violations of human rights, as well as other current challenges of the twenty-first century.

Mr. Al-Murad (Kuwait) (*spoke in Arabic*): At the outset, I warmly thank you, Madam, for convening this important meeting. I also wish to express my gratitude to the President of the Security Council, the Permanent Representative of Qatar, for his clear and thorough overview of the Council's report submitted to the General Assembly regarding the considerable progress achieved in the activities of the Council last year.

We further express our appreciation of the excellent work of the former co-Chairs of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council, and to the representative of Cuba, who spoke on behalf of the Non-Aligned Movement.

The item under discussion by the General Assembly is among the most important on its agenda. The discussion of the enlargement of the Security Council and the draft resolutions that have been submitted by various regional groups demonstrate the support of heads of State and Government for Security Council reform, as reflected in the 2005 World Summit Outcome Document. That Document represents an important landmark in the process of strengthening and reforming the United Nations and evidence of the importance attached by States to Security Council reform.

Debates in past years have highlighted the need to reform the Security Council and to enhance the transparency of its working methods, despite the fact that Member States are already agreed on the principle of the need for reform. Although more than 13 years have passed, the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council has been unable to reach agreement on the nature of the required changes.

Nevertheless, we cannot ignore the progress that has been achieved in the Working Group's discussions, in particular regarding the Council's working methods and procedures. There is near widespread agreement on a number of procedures and proposals with regard to adjustments to be made, and the Council has in fact adopted and implemented several changes in that respect. We recognize the improvements that have been achieved in the Council's procedures and working methods, and pay tribute to those Council members that have striven to keep non-members informed on a regular basis of progress in the Council's discussions on the question of transparency.

Kuwait's position is based on the fundamental principles of firm support for strengthening and reforming all United Nations bodies, including the Security Council, in order to ensure their full capacity to carry out their principal functions, which, in the case of the Council and in accordance with the Charter, relate primarily to the maintenance of international peace and security. Such changes should not undermine the Council's effectiveness and efficiency in addressing global threats and dangers, but should enhance the credibility and legitimacy of its resolutions.

The Group of Arab States should be assigned a permanent seat on the Council that would be held in rotation, to be determined through coordination among members of the Group. With respect to the Council's working methods and the strengthening of its relationship with other organs, such as the General Assembly and the Economic and Social Council, we support all proposals to ensure greater transparency and clarity in the Security Council's work and to facilitate the exchange of and access to information from and to Member States.

We note the importance of codifying and improving the Council's working methods and of

agreement on its size, constitution and decision-making process, none of which will necessarily require any amendment of the Charter. It is high time for the Council to adopt permanent working methods, including new rules for the election of non-permanent members under paragraph 2 of Article 23 of the Charter that would allow small countries such as ours to participate in and be elected to the Council.

As to the right of veto, we feel it necessary to set checks and balances regarding its use. We need to restrict the right of veto, ensuring its application only in matters falling under Chapter VII of the Charter. The Council's non-permanent membership must reflect the increase in the number of members of regional groups, especially the Group of Asian States. We must reach an agreement acceptable to all parties that will ensure the Council's ability to fulfil unhindered its functions pursuant to the Charter.

Mr. Almansoor (Bahrain) (*spoke in Arabic*): My delegation extends its deepest thanks to the Permanent Representative of Qatar, President of the Security Council this month, for introducing the Council's report in document A/61/2 (Supp). The report describes the activities of the Security Council over the past year in the maintenance of international peace and security.

My delegation also thanks the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council for its report on its discussions on that matter. We extend our gratitude to the Chairman and the two Vice-Chairpersons for their excellent and wise work in guiding the Working Group's debates.

My delegation welcomes this opportunity to participate in the joint debate under agenda items 9 and 111, "Report of the Security Council" and "Question of equitable representation on and increase in the membership of the Security Council and related matters", respectively. We should have liked to receive the Security Council's report well in advance in order to be able to consider and study it thoroughly, given its great importance to our assessment of the Security Council's work over the past year and its role in various international issues and in the discharge of its specialized mission.

Security Council reform is one of the most important issues before us, as highlighted by the enormous attention the topic was accorded during the General Assembly's general debate this session and at the 2005 World Summit. A great number of heads of State and Government addressed the issue, laying out their national positions on the matter. In the Millennium Declaration, too, they stressed the importance of intensifying their efforts to achieve real reform of the Security Council. There is therefore no doubt whatsoever that Security Council reform is of enormous global interest and has become one of our top priorities. The Council is the principal organ of the United Nations entrusted with the maintenance of international peace and security.

The Council is currently unable to maintain international peace and security and will remain unable to do so unless it adapts to the changed world and to new political realities that are very different from those of the past. The Council must therefore be reformed comprehensively so that it can reflect current political realities and represent the international community as it stands today. The Security Council's agenda must take into account the needs and interests of all countries, both developing and developed, and it must do so in an objective and non-selective manner.

Given that the Council is the principal body responsible for the maintenance of international peace and security, any increase in its membership must be intended to make it more democratic, accountable, effective and transparent. Paragraph 49.5 of the Final Document of the Fourteenth Summit Conference of Heads of State or Government of the Non-Aligned Movement, which took place in Havana from 11 to 16 September 2006, reaffirmed that transparency, openness and consistency are key elements that the Council should observe in all its activities, approaches and procedures.

The Non-Aligned Movement believes that the decision-making process needs to be democratized by, inter alia, limiting the veto power with a view to reducing its use and then its eventual elimination. In this context, the thirty-third session of the Islamic Conference of Foreign Ministers, held in Baku between 19 and 21 July 2006, stressed the need to reform the Council by expanding its membership and, in particular, by dealing with the issue of the right to veto, since they are indispensable elements of any comprehensive package that takes account of the sovereign equality of countries and of equitable geographic representation.

Any consideration of the various positions on reform shows that there is a general desire not only to expand the membership, but also to deal with essential issues relating to the Council's agenda, working methods and decision-making process. The reform must make the Council more representative of all Member States and enable it to better reflect current geopolitical realities and diversity, taking into account the balance of power and international stability, as well as the situation of small countries, regardless of what model is finally chosen for expanding the membership.

When addressing the issue of Council reform, many Member States have said that a mechanism should be set up to help us to deal with sudden and successive changes or rapid developments in situations around the world, since most countries are currently unable to cope with the challenges posed by such changes. We must take a different approach to the many new issues confronting us, otherwise our collective peace and security will be jeopardized. The Security Council is the organ that is primarily responsible for dealing with such issues, and accordingly it must change its approach by improving its working methods and procedures. That is the priority issue for the reform of the Council, and is one of the main issues being considered by the United Nations.

Member States have demanded that the Council be reformed; that is self-evident. Thus in 1993 the General Assembly adopted resolution 48/26, establishing the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council, because Member States were very much aware of the real need to deal with this matter and wanted the Council to better represent the general membership of the United Nations.

However, 13 years after the Working Group was established, it has still not been able to reach agreement; it has been deadlocked on the issue of the increase in the membership of the Council. If this situation continues, we will not be able to reach agreement. If States are not sufficiently open, if they are unwilling to make concessions because of their own perceived interests, we will not be able to find a solution. The real goal is to make the Council truly more representative.

Because of the Council's increasing role in recent years, it is, in a way, the showcase of the United Nations — a window open to the world. People judge the United Nations negatively or positively, depending on their response to the resolutions of that showcase window, that is, the Council.

The way the Council responds to crises or fails in confronting them affects the way in which public opinion regards the Organization. The Council must take that into account and change its vision and its approach. The Council must meet the expectations of the peoples of the world, who are distressed at resolutions in which the Council exercised double standards and selectivity, particularly with regard to issues involving the Middle East.

States must demonstrate the political will to actually reform the Council, and they must pay attention to the interests of all States, both large and small. After all, the main goal is for all States, large and small, to feel that the Council represents them and protects their interests, their peace and their security.

Mr. Maurer (Switzerland) (*spoke in French*): I would like to thank the Security Council for its annual report (A/61/2), and welcome its introduction here in the General Assembly. The report contains a comprehensive overview of the Council's activities and meetings over the previous session. Switzerland believes, however, that the document would be more useful were it accompanied by a more analytical assessment of the Council's activities throughout the period under review. It would then be an important reference tool, describing the challenges that the Council faced during the period under consideration and the way that it dealt with them.

The report of the Secretary-General on the work of the Organization (A/61/1) and the *United Nations Secretariat First Consolidated Report 2005* provide good models in this respect. More specifically, what we would like to see is a true report that we can discuss, rather than a kind of laundry list, which may be useful but has very limited political utility.

Over the past two years, the United Nations has made a remarkable effort to reform the system. Some progress has been made, but not in all fields. We believe that the reform of the Security Council is an essential component of the reform of the United Nations, and thus we should give it our full attention.

Switzerland remains committed to expanding the Council — an expansion that we believe would make the Council's work more representative and enable it to respond better to contemporary geopolitical realities. But such an expansion should not jeopardize the Council's capacity to respond promptly and effectively to threats that weigh upon international peace and security. In fact, safeguarding the Council's efficiency is just as important as enlarging its membership. Thus, enlargement should focus on a reasonable and manageable increase in the number of seats. In this context, we reiterate our conviction that enlargement should not lead to granting the right of veto to other Council members, as that would only overburden the decision-making process.

We continue to favour enlargement based on objective criteria, which would include elements such as a Member State's size and population, its financial contributions to the United Nations system, its troop contributions to peacekeeping operations or the active role it has played over the years in the United Nations.

Countries meeting those criteria should have a chance to qualify for a sustained presence in the Security Council. But the presence should be linked to a strong mechanism for ensuring accountability, either in form of a periodic review or the need for re-election. From this perspective, we welcome the ideas of an intermediary or incremental solution that would go beyond the models that have been officially proposed to date. In this respect, the creation of an appropriate framework for formal negotiation would be welcome.

We must not forget that the great majority of States Members of the United Nations have little hope of serving on the Council. If they do, it is for only a short period of time. Countries lacking the necessary resources may never be able to join it. To preserve the ability of such countries to interact in a meaningful way with the Council, Switzerland, together with Costa Rica, Jordan, Liechtenstein and Singapore — its partners in the so-called small five group" (S5) — has been urging improvement of the Council's working methods as an important means of making the Council's work more transparent, accountable and inclusive.

The Council, realizing that a great many Member States were concerned about this issue, adopted by its note by the President of 19 July 2006 (S/2006/507) certain measures concerning its working methods. It has thus taken up suggestions submitted by its Informal Working Group on Documentation and Other Procedural Questions and has shown its willingness to make its work more transparent. We congratulate the Working Group for the task it has completed, and we commend the Council for steps taken to improve its interaction with Member States.

The initiative of the S5 has highlighted the importance of working methods both within and outside the Security Council. It has certainly had a positive impact on the deliberations and relevant decisions taken by the Council. In our view, the note by the President was is an important step in the right direction, and we are quite pleased with the results achieved by the initiative so far.

However, to make this process more successful we feel that the Security Council should continue moving along the road it has set off on. More can and should be done.

First, not all provisions contained in the Council's presidential note have yet produced a tangible effect. Switzerland therefore encourages the Council to place emphasis on implementing its own decisions and arrangements.

Secondly, a number of measures in the S5 initiative have not yet been addressed or have been only partially addressed, to wit, the possibility for the Council to submit thematic reports to the Assembly on issues of international concern; the establishment of groups for assessing and drawing lessons learned from the implementation of Council decisions; establishment of fair and clear procedures with regard to listing and de-listing in the sanctions committees; a more open approach on the part of the subsidiary bodies towards the needs of Member States; enhanced information-sharing with troop-contributing countries and important financial contributors on the details of operational considerations and mission planning; voluntary renunciation of the veto in cases of genocide and crimes against humanity; and the need to explain the use of the veto.

Switzerland, along with its partners, will follow closely implementation of measures taken by the Security Council to date. We will also continue working for a more ambitious reform of the Council's working methods. Our efforts will focus on the issues I have just listed, but also on effective and accountable functioning of the sanctions committees and their

groups of experts, which have an important part to play in implementation of the Council's decisions.

Many States Members of the United Nations feel strongly that the reform agenda should continuously give high priority to systematic access to information and enhanced transparency with regard to the Council's often far-reaching decisions, leading to an improvement in their legitimacy. This is not only in the interest of the membership at large; it corresponds also to the Council's own interests. Member States will be more willing and in a better position to enforce sanctions, commit troops or pick up the bill for peacekeeping operations if their Governments, parliaments and people are well informed and understand the rationale behind the Council's decisions and actions.

We see the results to date as encouragement to continue our efforts. We believe that this process will continue to move in the right direction. Switzerland will continue to cooperate constructively with the Security Council in ensuring high standards of transparency and legitimacy in accordance with the importance and responsibility of the Council.

Mr. Wenaweser (Liechtenstein): Given the late submission of the report of the Security Council, I will not comment today on its substance. I wish to say, however, that so far we have not detected anything in the report that would justify its very late submission this year, since it is essentially a compilation of the proceedings of the Council during its reporting period.

While this debate usually takes place earlier in the calendar, there is perhaps a symbolism to its scheduling today. At a time of the year when we all look back at what we have achieved and where we have failed, Security Council reform seems to fit in rather nicely. After the institutional changes we agreed on in establishing the Peacebuilding Commission and the Human Rights Council, Security Council reform is clearly the one big task that remains unresolved. Indeed, reform of the Council remains essential, while some may begin to doubt that it is even feasible. However, our job is to make possible what we believe is necessary, and Council reform fits that description.

Our efforts to reform the Security Council must be guided by the Charter, which makes it clear that the Council acts on behalf of the membership as a whole. To our mind, the phrase "on behalf of" entails representation of both the geopolitical realities of today's world and the diversity of opinions. We must therefore conclude that the Council, at this juncture, is not in a position to fulfil either of these two prerequisites.

The big conundrum of Security Council reform remains composition. Since all efforts in 2005 failed — despite producing some positive side effects — no serious or promising initiative for enlargement has been put forward in more than a year now.

We believe strongly that it is necessary to relaunch this debate in a different manner. Ever since the High-level Panel presented its report in early 2005, all proposals for enlargement have been characterized by one main difference of opinion. There has never been, and there is not now, an agreement on whether or not new permanent seats should be created. The arguments both in favour and against have been presented forcefully and with deep conviction. In the end, it comes down to a matter of belief, on both sides of the debate.

It is therefore hard to see a way out of this debate unless we revisit the notion of permanency. As long as we interpret it in the same manner as it is understood in the Charter today — irrespective of whether or not the veto right is granted to go with it — we are very unlikely to find a formula that garners stronger political support than the ones put forward in 2005.

Indeed, the Charter amendment needed for enlargement of the Council requires support that goes far beyond the numerically necessary two thirds of the membership. There are ways of making it possible for States to serve on the Council on an ongoing basis, without resorting to the type of permanency granted at San Francisco. We hope that those who have shown a very keen interest in the enlargement issue in the past will rethink their position in a manner which makes a new approach possible. We also believe that a stronger involvement on the part of States that have no immediate national stake in enlargement will advance that cause.

As is well known, the group of five small nations known as the "Small Five" (S-5) has focused its efforts on the issue of the working methods of the Council, traditionally also known as cluster 2 issues. We have done so in the conviction — rightly, as it turned out — that there would be a continued deadlock on the topic of enlargement. The way the Council conducts its daily business and in particular the manner in which it

involves States that are not members of the Council are essential aspects in terms of the legitimacy and effectiveness of the Council. While working methods may attract less public attention than enlargement, they are by no means a secondary or ancillary issue. For those of us that either do not serve on the Council or have a limited impact on its decision-making when we do, the way the Council takes into account the views of the broader membership is crucial indeed.

As a member of the S-5, we are certainly encouraged by the double effect of the submission of our draft resolution in March this year. It had a beneficial impact on the internal discussions in the Security Council on working methods and also kept the discussions on Council reform in general alive. We were pleased that the Council responded to our initiative by engaging in a serious effort to improve its working methods for the first time in many years.

We are particularly grateful to the Chairman of the Working Group on Documentation and Other Procedural Questions, Ambassador Kenzo Oshima, and to his team for their genuine commitment and untiring efforts to advance this difficult agenda item. Those efforts resulted in the adoption of the presidential note of 19 July listing a set of measures that deal with the issue of working methods.

We believe that the General Assembly, both legally and politically, has the competence to take up this issue, and that, indeed, the draft resolution we submitted this year is a reflection of that competence. Also, we have always looked to establish a cooperative approach with the Council and continue to do so. While the outcome of the internal discussions of the Council, reflected in the presidential note I mentioned earlier, fell well short of our expectations and of the set of measures we ourselves had proposed, we nevertheless refrained from having our own text adopted by the General Assembly. We did so in order both to avoid an antagonistic relationship between the two most important organs of the Organization and to give the Council time to further advance its discussions and to apply the measures it had agreed on.

The measures we proposed were never meant to be exhaustive; rather, they constituted a selection which we believed was most urgent for the legitimacy and effectiveness of the Council at the time. Since the presidential note was significantly less ambitious in its scope, we naturally see a need to further pursue our efforts. This analysis is compounded by the fact that we do not recognize any consistency in the application of the measures decided upon by the Council itself. Some of the measures are applied on a regular basis and some in a rather erratic manner, and others seem not to be implemented at all. There is therefore a continued need to engage with the Council on this topic, and we are ready to do so. We would be happy to engage with the Working Group on Documentation, which could provide an excellent forum for informal discussion and, incidentally, itself constitute the implementation of one of the measures contained in the presidential note.

The Council might also want to consider inviting the views of the membership at large, for example by way of convening an open debate on the topic. Of course, we are also considering the desirability of drafting a revised set of measures in the form of a draft resolution or otherwise.

There is no quick fix for Security Council reform in either of the two areas. As far as working methods, we will pursue our efforts consistently, guided by the vision of a Council that is more representative and has greater legitimacy by dint of genuinely acting on behalf of the interests of the membership as a whole. On the issue of enlargement, we will work with those who seek a solution that is both viable and makes the Council an organ that is truly fit to address the challenges of the twenty-first century.

Mr. Hachani (Tunisia) (*spoke in French*): Madam President, allow me to begin by congratulating you on the manner in which you are guiding this debate. I should like also to thank the Ambassador of Qatar, the President of the Security Council for the current month, for having introduced the report of the Security Council submitted to the General Assembly pursuant to the relevant provisions of the Charter of the United Nations.

My delegation associates itself with the statement made by the representative of the Non-Aligned Movement and would like to make the following comments.

First, with respect to the report of the Security Council, under agenda item 9, consideration of the report of the Security Council represents the only opportunity available to States Members of the United Nations — particularly those that are not members of the Security Council — to consider the activities of the

Council and to identify measures that should be taken with a view to making the necessary improvements to the methods of work of that important organ.

In that regard, it is clear that greater efforts must be made to enhance the quality of the report of the Security Council, which, as we cannot but acknowledge, remains a compilation of the decisions and resolutions adopted and a somewhat factual description of that body's work.

We are far from having fulfilled the recommendations suggested by Member States regarding an analytical report. Along those same lines, it should be noted that the General Assembly had asked the Security Council regularly to submit special thematic reports on matters of international interest.

With regard to another matter, we are pleased to note that during the past period, the Security Council held a significant number of public meetings, in which many delegations participated. However, it would be helpful to ensure that the choice of issues to be discussed at such public meetings does not encroach on the competence of other organs, and particularly that it does not interfere in areas under the purview of the General Assembly. Likewise, we must not call into question the right of Member States and/or representatives of regional or political groups to participate in public meetings on matters of particular interest to them.

In terms of content, the report before us notes that the Security Council has acted with resolve to address a large number of conflicts in several areas of the world, including by dispatching Council missions to the field. In the Middle East, however, the Council's efforts continue to fall short of expectations. The frustration at the Council's repeated inability to fulfil its responsibilities and to become more involved in settling the Palestinian question poses a great threat to the region and to the Council's authority.

Secondly, with regard to the question of equitable representation on and increase in the membership of the Security Council, I am particularly pleased to thank the two Vice-Chairpersons of the Open-ended Working Group dealing with these issues, the ambassadors of the Bahamas and the Netherlands, for their remarkable contributions in that area during the past session.

The crucial importance of Security Council reform has been constantly reaffirmed every year since 1993, when the Open-ended Working Group was established to consider that issue in all its aspects. However, since that time, the Working Group has not been able to elaborate a specific formula that is acceptable to all. Of course, we understand the complex and sensitive nature of this issue. Nevertheless, we believe that we must achieve comprehensive Council reform as soon as possible.

The Working Group's deliberations on this issue enabled us in previous years to identify a number of elements that are widely supported by Member States. It is therefore obvious that we have various elements at our disposal that can serve as a basis for efforts to move forward and broaden the consensus regarding basic aspects of Council reform.

My country believes that the purpose of any reform of the Security Council is to strengthen equitable representation in that organ, as well as its credibility and effectiveness. The Council must reflect the political and economic realities of our world today. It must have the legitimacy it needs to act on behalf of the international community in carrying out its Charter mandate. Those objectives will not be attainable without an expansion in the two membership categories, permanent and non-permanent. Moreover, the size of a restructured Council must reflect all the sensibilities of the international community. In that context, Tunisia continues to endorse Africa's position as reflected in the African consensus. We will support any consensual formula that gives Africa and the developing countries their rightful place in the Security Council.

Finally, the matter of periodic review of a reformed Security Council is an essential element of the reform programme. Such review represents a factor in establishing the trust that will enable us to carry out the changes that will be necessary in the future. Even more important, however, it will be a mechanism that enables us to assess the contributions of new members to the strengthening of the Council's effectiveness.

In conclusion, we believe that the Security Council, if it is to continue to enjoy the confidence of States and of world public opinion, must demonstrate that it is able to effectively address the most difficult issues; it must also become more representative of the international community as a whole and of the realities of the contemporary world. It is time to set out on that

path with resolve, under your leadership, Madam President.

Prince Mishal Bin Abdullah Bin Abdulaziz Al-Saud (Saudi Arabia) (*spoke in Arabic*): The delegation of Saudi Arabia would like to thank you, Madam President, for convening this important meeting to discuss the question of equitable representation on and increase in the membership of the Security Council, which is an essential issue within the United Nations. It is important that we enhance the Council's credibility in the eyes of international public opinion, given the changes, developments, threats and challenges facing the world.

We support the statement made by the representative of Cuba on behalf of the Non-Aligned Movement, and we thank the Permanent Representative of Qatar, President of the Security Council, for introducing the report of the Council (A/61/2).

Saudi Arabia supports the principle of equitable geographical representation on the Security Council for both permanent and non-permanent members. Any reform of the Council must seek to build that organ's capacities so it can more effectively play its Charter role, shouldering its responsibilities and addressing international security and political issues in order to attain the objectives set for it by the international community: maintaining international peace and security on the basis of harmony, objectivity and transparency, preventing conflicts before they erupt and spin out of control, causing bloodshed and the destruction of property and undermining the capabilities of countries and peoples.

Saudi Arabia attaches particular importance to ensuring that the Security Council plays its role by fully shouldering, in an effective manner, its responsibility for maintaining international peace and security. The Council is the United Nations organ with primary responsibility for the maintenance of international peace and security, in accordance with Article 24 of the Charter.

In that connection, at the 2005 World Summit, held during the sixtieth session of the General Assembly, heads of State or Government expressed the need to continue extensive efforts to carry out overall structural reform of the Security Council to make it more representative, transparent, effective and equitable and to reinforce the effectiveness and legality of its resolutions in order to maintain international peace and security and protect humanity from the scourge of war, gross human rights violations and other current threats faced by our peoples.

Saudi Arabia would also like to express its disillusionment at the lack of effectiveness of Security Council resolutions and policies and at the double standards apparent in some of the Council's work, particularly on issues related to peace and security in the Middle East. That has resulted in Israel's continued occupation of Arab territory and in its thwarting of international efforts to establish peace in the Middle East.

The world has witnessed Israel's aggressions against Lebanon and the Palestinian territories in a war that that has caused systematic and premeditated destruction of infrastructure. National and humanitarian rights have been violated, civilians and innocent people have been killed or detained and massacres have been perpetrated. All of those actions were carried out in violation of international agreements and instruments. Israel's policy of hegemony and occupation and its expansionist and racist actions in the region are continuing, owing to a lack of concern by certain States and the support by other States for that policy.

The Council is thus unable to take important decisions in this regard, despite the fact that the Arab countries expressed their genuinely peaceful intentions during the Arab Summit in Beirut in 2001 by supporting an initiative proposed by His Majesty King Abdullah Bin Abdulaziz Al Saud for the establishment of just and comprehensive peace, in accordance with Security Council resolutions 242 (1967) and 338 (1973), leading to the signature of a peace treaty for the full restitution of Palestinian and other occupied Arab territory, within an independent Palestine with East Jerusalem as its capital.

My delegation has engaged in debate, and we would like to see healthy discussion of the issue on all levels within the United Nations and outside it. We have listened to statements made by States and other major contributions that have been made. All of this constructive discussion is taking place at the theoretical level, and it has not been translated into action on the ground. The fact remains that the members of the Security Council — particularly the permanent members — have an important role to play

in this regard. They must deal with the situation in a rational manner, because changes have occurred in the world since the Organization was established. Substantial Security Council reforms now need to be implemented if the Council is to strengthen its capacity to prevent conflicts and crises before they arise.

Mr. Abdelaziz (Egypt) (*spoke in Arabic*): The General Assembly is today discussing two items that are interlinked. These issues are of increasing significance, particularly in the light of the international conviction that the United Nations reform process will be neither complete nor successful without the reform and expansion of the Security Council. We are eager to discuss the report of the Council to the General Assembly alongside the question of Security Council reform because we believe that we need to have a true and transparent picture of all aspects pertaining to the activities of the Council so that we can improve its performance and make it more representative of the interests of the general membership. In addition, we would like to underline the need to curtail the encroachment by the Council on the mandates of the General Assembly and the Economic and Social Council in some instances, and its hesitation in others, to act in accordance with its own mandate as a result of certain political interests that are usually linked to permanent membership and the exercise of the right of veto.

Undoubtedly, the inability of the Council to face up to Israeli violations, such as the recent Beit Hanoun massacre, as a consequence of the use of the veto by one permanent member, as well as its failure to put an end to the Israeli aggression against the people and the territory of Lebanon, as a result of the 34-day obstruction by the same permanent member of the adoption of a resolution calling for a ceasefire, during which the people of Lebanon were subjected to mass killings, categorically prove that the existing formulas and balance of power within the Council must be reformed.

Such a reform effort is particularly important given the existing geographic imbalance in the permanent membership category and the fact that the Council lacks African representation, as well as the abuse of the right of veto in a manner that goes against the principle whereby the permanent members represent the larger interests of the general membership of the Organization.

Furthermore, such an approach reflects an attempt by the Security Council to conduct its decision-making process in contravention of democratic practices that are based on the principles of transparency and accountability and in line with the spirit of the Charter, and to the detriment of the other principal organs, as well as increasingly, against the interests of the countries concerned.

The consequence of this is a decision-making process in the Security Council that does not take due account of the nature and dimensions of many of the vital issues under its consideration. That has negative implications for conflict resolution — resulting, in some instances, in the prolongation of conflicts, and, consequently, of the suffering of peoples. In this context, resolution 1706 (2006), in which the Council addressed the deteriorating humanitarian situation in the Darfur region, is a vivid example of how the credibility of the Security Council, and the United Nations at large, can be damaged as a consequence of a hasty, unrealistic and misguided approach based on narrow and temporary, national self-interest rather than on practical and objective considerations, which would best promote the effectiveness, legitimacy and credibility of the Council's resolutions and lead to solutions, rather than futile confrontations.

In the 2005 World Summit Outcome (resolution 60/1), our heads of State or Government reaffirmed their faith in the United Nations and their commitment to the purposes and principles of the Charter. Thus, restoring the credibility of the Organization is increasingly linked to our ability to reform the Security Council so that it reflects contemporary global realities and embraces the values and principles of democracy, justice and equality. It would also help to narrow the widening gap between North and South and eliminate the growing perception that — for one reason or another — some bear a greater responsibility than others for the maintenance of international peace and security.

In this context, the issue of accountability lies at the core of the reform of the United Nations in general, and of the Security Council in particular. The most important requirement is to correct the artificial imbalance in the institutional relationship between the Security Council and the General Assembly, as well as between the permanent and non-permanent members. This imbalance has also manifested itself in the unwarranted delay in the submission of the annual

report of the Security Council to the General Assembly. Absent procedural or technical reasons, that delay is, in our view, related to the repeated attempts by the Security Council to ignore the reality that the General Assembly is the more democratic organ of the United Nations — the organ to which all other principal and subsidiary bodies of the Organization are accountable, in accordance with the provisions of the Charter.

Furthermore, again this year, the report of the Security Council does not reflect any commitments to the relevant provisions of various General Assembly resolutions on the revitalization of its role, the most recent of which is resolution 60/286, which calls for the report to move away from the rigid framework of merely citing facts and figures to a more analytical approach setting out the premises upon which the Council bases its resolutions and presidential statements; the positions taken by the various members, including permanent members and the countries concerned during consultations; the rationale behind the inability of the Council to take firm and effective measures in relation to important issues relating to the maintenance of international peace and security; and the reasons for adopting resolutions that either cannot be implemented or are likely to lead to confrontations that fuel conflicts, rather than resolve them.

The delegation of Egypt wishes to reaffirm that any reform of the Security Council needs to address all negative aspects in such a manner as to restore the Council's credibility. Such reform must include two primary, indivisible and mutually supportive aspects, namely expansion of the membership of the Council in its two categories and reform of its working methods. To that end, I wish to affirm that Egypt will engage in any genuine, collective and constructive effort aimed at a comprehensive reform in the context of an integrated package based on a broad agreement on the following set of principles.

First, the expansion of the membership in the permanent and the non-permanent categories should take place in a manner that will ensure a just representation of developing countries, particularly African countries, and of all cultures and civilizations, which would restore the existing imbalance in favour of the interests of the developed countries. The size of an expanded Council should be linked to the objective of achieving equitable representation.

Secondly, expansion should ensure equality of rights, privileges and responsibilities among existing and new permanent members. The question of the veto must be addressed in a holistic and integrated manner that is in keeping with the principles of equality and international democratic governance. That would entail the elimination of the veto and, pending that, its extension to new permanent members.

Thirdly, meaningful and constructive reforms should be made to the working methods of the Security Council so as to ensure transparency and the participation of non-members in its work, particularly those countries directly affected by its decisions. Also, the scope of interaction should be expanded, on the basis of respect and parity, among the Council and regional organizations as well as actors in conflict areas.

Fourthly, balance must be restored in the institutional relationship among the three principal organs of the United Nations, the Security Council, the General Assembly and the Economic and Social Council, in accordance with their prerogatives and mandates under the Charter.

To that end, the delegation of Egypt associates itself with the statement delivered by the representative of Cuba on behalf of the Non-Aligned Movement and with the statement to be delivered by the Ambassador of the Niger on behalf of the African Group. Egypt wishes to reaffirm its full commitment to all aspects and elements of the Common African Position included in the Ezulwini Consensus and the Sirte Declaration, which are integrated and indivisible. That Common Position reflects the just and legitimate African aspirations to genuine and equitable representation in an expanded Security Council, in a manner commensurate with the weight and significance of the continent, and in view of the efforts made by its countries and its regional and subregional organizations in meeting political and security challenges, in the context of defending African interests in the Security Council, like other regional groups whose members enjoy the right to veto.

The negotiations we undertook last year have proved that the options presented by the Secretary-General for Security Council expansion were not able, as he himself indicated, to garner the necessary support. Therefore, it is important to continue our work on this vital issue with the same momentum and to

focus our search on devising a new model that would meet our collective aspirations, including the legitimate aspirations of Africa, and that would achieve the widest possible international support beyond the required two thirds majority. We will not be able to devise such a model if we do not address the issue with an open mind, taking account of prevailing international political realities, which are totally different from the ones that gave rise to this Organization, in a manner that would make the reform and expansion of the Security Council one of the central issues before us, if we are sincere in our efforts to achieve a comprehensive reform of the Organization.

Meanwhile, the responsibility to reform the working methods of the Security Council lies primarily with the General Assembly, which must continue to base its relationship with the Security Council on the principles of transparency and accountability and relentlessly to address the encroachment of the Council on the prerogatives of the Assembly through a series of resolutions that would consider cases in which the Council is unable to discharge its responsibility for the maintenance of international peace and security, and modify the institutional framework to address such cases, if necessary.

Organization of work

The President: I would like to draw the attention of members to the work of the Fifth Committee and the date of recess of the current session.

Members will recall that its 2nd plenary meeting, on 13 September 2006, the General Assembly decided that the Fifth Committee would complete its work by Friday, 8 December 2006, and that the sixty-first session would recess on Tuesday, 12 December 2006.

I have been informed by the Chairman of the Fifth Committee that the Committee was not able to finish its work on Friday, 8 December. It is my understanding that the Committee will need to meet until Tuesday, 19 December.

In that connection, in view of the work that remains to be done for this part of the session, I would like to propose to the Assembly that it postpone the date of recess of the current session to Thursday, 21 December 2006.

If there is no objection, may I take it that the Assembly agrees to this proposal?

It was so decided.

The President: In connection with the work of the Fifth Committee, may I also take it that the General Assembly agrees to extend the work of the Fifth Committee until Tuesday, 19 December?

I hear no objection.

It was so decided.

Programme of work

The President: I would like also to inform members of some revisions and additions to the programme of work of the General Assembly.

The consideration of agenda item 110, "Revitalization of the work of the General Assembly", originally scheduled for tomorrow morning, Tuesday, 12 December, has been postponed to Wednesday, 13 December, in the afternoon.

On Wednesday, 13 December, in the morning, the Assembly will take up the report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities to take action on the draft convention on the rights of persons with disabilities.

On Thursday, 14 December, in the morning, the Assembly will hold the oath of office ceremony for the Secretary-General-designate.

On Thursday, 14 December, in the afternoon, the Assembly will take up the reports of the Special Political and Decolonization Committee (Fourth Committee).

The Secretariat will issue a revision to the programme of work to reflect those changes.

I should also like to remind members that on Friday, 15 December, the Assembly will resume the tenth emergency special session of the General Assembly on illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory.

The meeting rose at 1.05 p.m.